

Staff Summary Report



To: Mayor and City Council
Through: City Manager

Agenda Item Number 16
Meeting Date: 02/15/00

SUBJECT: FUEL CENTER FOR FOOD 4 LESS #SGF-2000.70

PREPARED BY: Hector Tapia, Senior Planner (480-350-8331)

REVIEWED BY: Dave Fackler, Development Services Manager (480-350-8333)

BRIEF: This is the second public hearing for Fuel Center for Food 4 Less for an Amended General Plan of Development and a Final Plan of Development for Parcel 4

COMMENTS: **PLANNED DEVELOPMENT (0406)** This is the second public hearing for **FUEL CENTER FOR FOOD 4 LESS** (Alexander Haagen, property owner, Center Trust, business owner) for a use permit and three variances to locate a fuel center consisting of 3,404 s.f., on Parcel 4, within Southern Palms Commercial Center (252,505 s.f. total building area for the shopping center on 25.09 net acres) located at 1706 East Southern Avenue. The following approval is requested from the City of Tempe:

#SGF-2000.70 An Amended General Plan of Development and a Final Plan of Development for Parcel 4, Southern Palms Center Phase I, consisting of a 3,404 s.f. canopy area for a fuel center located at 1706 East Southern Avenue. **(Please see attachment #3 for list of use permit and variances.)**

Document Name: 20010215devsrh08 Supporting Documents: Yes

SUMMARY: This request is to appeal the Planning Commission denial for an Amended General Plan and a Final Plan of Development for a Food 4 Less Fuel dispensing facility. This proposal is within the Southern Palms Commercial Center, south of the Food 4 Less store and east of Joe's Crabshack restaurant. 20 parking spaces east of this restaurant will be eliminated to place the fuel pumps. According to the applicant, this fuel facility will serve as an extension of the services provided by Food 4 Less grocery store. A use permit and three variances are requested with this proposal. The proposed fuel center is not allowed by right, a use permit is required in all Zoning Districts. One variance is to allow a fuel center facility away from an arterial street intersection. The other two variances are for building setbacks from interior property lines and to waive the required 6-foot masonry wall and 6-foot landscape strip buffer. Staff received letters of opposition and phone calls expressing concerns regarding this application. Store's customers signed a survey in favor or against the fuel center (attached). Staff believes that the proposed use is not appropriate for this location. The area proposed is next to an existing restaurant with outdoor dining, due to aesthetics, on-site circulation for fuel pumps trucks, and the loss of 20 parking spaces do not warrant a positive recommendation. On December 12, 2000, Planning Commission denied this request by a 6-1 vote.

RECOMMENDATION: Staff – Denial
Planning Commission - Denial
Public - Opposition

ATTACHMENTS:

1. List of Attachments
2. History & Facts
3. Description
- 4-5 Comments
- 6-7 Conditions of Approval
8. Location Map
9. Amended General Plan and Final Plan of Development
10. Elevations
11. Appeal Letter and Explanation/Intent
12. Letters of Opposition
13. Updated Parking by Demand Study, 12/5/2000
14. Previously approved Plan
15. Planning Commission Minutes, 12/12/2000
16. Applicant's Letters Responding to Neighbors
17. Applicant Submitted a Petition Signed by Customers of Food 4 Less
18. New Letter of Opposition

HISTORY & FACTS:

<u>February 7, 1963.</u>	Council approved a rezoning from R1-6 to PSC (PCC) and a General Plan of Development for University Mall Shopping Center at the NWC of Southern and McClintock.
<u>February 23, 1978.</u>	Council approved an Amended General Plan for 345,000 s.f. mall and 18 office and retail pads at the above site.
<u>April 9, 1981.</u>	Council approved a Final Subdivision Plat consisting of 10 lots and an Amended General and Final Plan of Development for Southern Palms Center consisting of 244,000 s.f. on 24.9 net acres.
<u>September 19, 1985</u>	Board of Adjustment approved a use permit and parking reduction from 1259 to 1224 spaces for Chevy's Diner and Bar in the 10,000 s.f. space adjacent on the south side to the subject suite. This use was never installed.
<u>March 8, 1988.</u>	Planning Commission approved an Amended General Plan with variances for landscape islands that was withdrawn before processing by City Council.
<u>January 15, 1989.</u>	Board of Adjustment approved a use permit and parking reduction from 988 to 976 for the 502 Club in part of the subject space, that had been occupied since 1982 by Bob Brown's Lounge and Bar.
<u>January 9, 1992.</u>	Council approved an Amended General Plan for McDonald's Restaurant on Parcel 7 of the Center that included a parking reduction from 65 to 51 spaces.
<u>May 14, 1992.</u>	Council approved an Amended General and Final Plan of Development for Southern Palms Shopping Center that included a use permit to allow parking to be based on demand (shared parking), subject to conditions that limited the amount of floor area devoted to restaurant and non-retail uses (see attached).
December 12, 2000.	Planning Commission (6-1 vote) denied this request by FUEL PUMPS FOR FOOD 4 LESS for an Amended General and Final Plan of Development, a use permit and three variances.
<u>January 25, 2001.</u>	Council held the first public hearing for this request and continued the second public hearing to 2/15/2001.

DESCRIPTION:

Owner – Alexander Haagen, Properties Operating
Business Owner – Steven Perales, Center Trust (Food 4 Less)
Applicant – Brian McFadden, Preconstruction Development Services, L.L.C.
Architect – Edward H. Lucero
Existing zoning – PCC-2
Total site area – 25.09 net acres
Total bldg. area – 252,505 s.f.
Area of Proposed Fuel Pumps Canopy – 3,404 s.f.
Parking required – Parking by Demand
 Predicted by Model – 1,034 spaces
 Parking Provided – 1,132 spaces

Bicycle Parking Required – 70 spaces
Bicycle Parking Provided – 70 spaces
Minimum Landscaping Required – 15%
Landscaping Provided - 21%
Maximum allowed Lot Coverage – 25%
Lot Coverage Provided – 19.7% (total center)

Requested Use Permit:

Allow a fuel dispensing facility in the PCC-2 Zoning District.

Requested Variances:

1. Allow a fuel dispensing facility to be located in an area away from an arterial street intersection.
2. Reduce the minimum required rear yard building setback from 40' to 20' (Parcel 4).
3. Waive the six-foot masonry wall and required 6-foot landscape buffer along all interior property lines.

COMMENTS: This request is for an Amended General Plan and a Final Plan of Development for a Food 4 Less Fuel dispensing facility to be located within the Southern Palms Commercial Center, south of the Food 4 Less store and east of Joe's Crabshack restaurant. This request proposes to eliminate 20 parking spaces east of this restaurant to accommodate the fuel pumps. According to the applicant, this fuel facility will serve as an extension of the services provided by Food 4 Less grocery store, a new major tenant in this commercial center. A use permit and three variances are requested with this proposal.

The use permit is to allow a fuel facility in the PCC-2 Zoning District. One variance is to allow a fuel center facility located away from an arterial street intersection. The proposed location for the fuel facility is about 600 feet west from the north west corner of McClintock Drive and Southern Avenue. The other two variances are for building setbacks from interior property lines and to waive the required 6-foot masonry wall and 6-foot landscape strip buffer. It is noted that fuel pump facilities are not allowed by right, they require a use permit in the PCC-2 Zoning District.

Staff received letters of opposition and phone calls expressing concerns regarding this application. Staff believes that the proposed use is not appropriate for this location, close to an existing restaurant next to the west side of this site, the on-site circulation for fuel pumps trucks is a concern, and the loss of 20 parking spaces primarily dedicated for the restaurant. All these concerns do not warrant a positive recommendation.

Evaluating the use permit, it appears that the fuel pumps facility proposal do not pass the use permit tests listed below, primarily **"c"** and **"d"**:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas; or
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions; or
- c. Contribution to the deterioration of the neighborhood or to the downgrading of property values which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the City's adopted plans, or General Plan; or
- d. Compatibility with existing surrounding structures and uses; or
- e. Adequate controls of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public.

The burden of proof for satisfying the aforementioned requirements shall rest with the applicant. A refusal of a use permit shall not be interpreted as the denial of a right, conditional or otherwise.

Evaluating the requested variances, it appears that the fuel pumps facility proposal do not pass the variance tests listed below, primarily **"3a"**, **"3b"** and **"3c"**:

- 3. A variance shall not be authorized unless the application provides sufficient evidence:
 - a. That there are special circumstances or conditions applying to the land, building or use referred to in the application; and

- b. That the authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights; and
- c. That the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.

New information for the February 15, 2001 Public Hearing:

At the January 25 Council public hearing, the applicant submitted a petition survey signed by customers of Food 4 Less grocery store and a list of shopping center tenants that met with the applicant (see attachment #?). The list contains 233 signatures and, according to the applicant, 127 live within a mile from the store. Although the list is a good marketing tool, the real impact of the proposed use is on the adjacent neighborhood or tenants within the shopping center as required when evaluating a use permit application. The applicant also submitted e-mail letters sent to neighbors opposing his request but there is no indication that those letters made the neighbors change their position.

Staff also received a new letter of opposition expressing concerns regarding safety issues on fuel center facilities.

Staff advised the applicant since the initial application of possible neighborhood concerns, land use issues, and on site circulation conflicts. The applicant's decision was to go forward with the application process. Staff received many concerns from surrounding property owners regarding the proposed fuel pumps within Southern Palms Commercial Center. Staff's position continues to be that the proposed location for the fuel center facility is not appropriate for this location therefore recommends denial. On December 12, 2000, Planning Commission denied this request, 6-1 vote. The applicant is now appealing that decision.

**REASON(S) FOR
DENIAL:**

1. The proposed fuel pumps for Food 4 Less appears not appropriate for that location and is not consistent with the approved General Plan of Development of Southern Palm Commercial Center Phase I.
2. This request is not compatible with the surrounding businesses within the shopping center.
3. There are no special circumstances or conditions applying to the land, building, or the use proposed.
4. The authorization of these variances are not necessary for the preservation and enjoyment of substantial property rights.

SHOULD THE CITY COUNCIL ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD BE ATTACHED

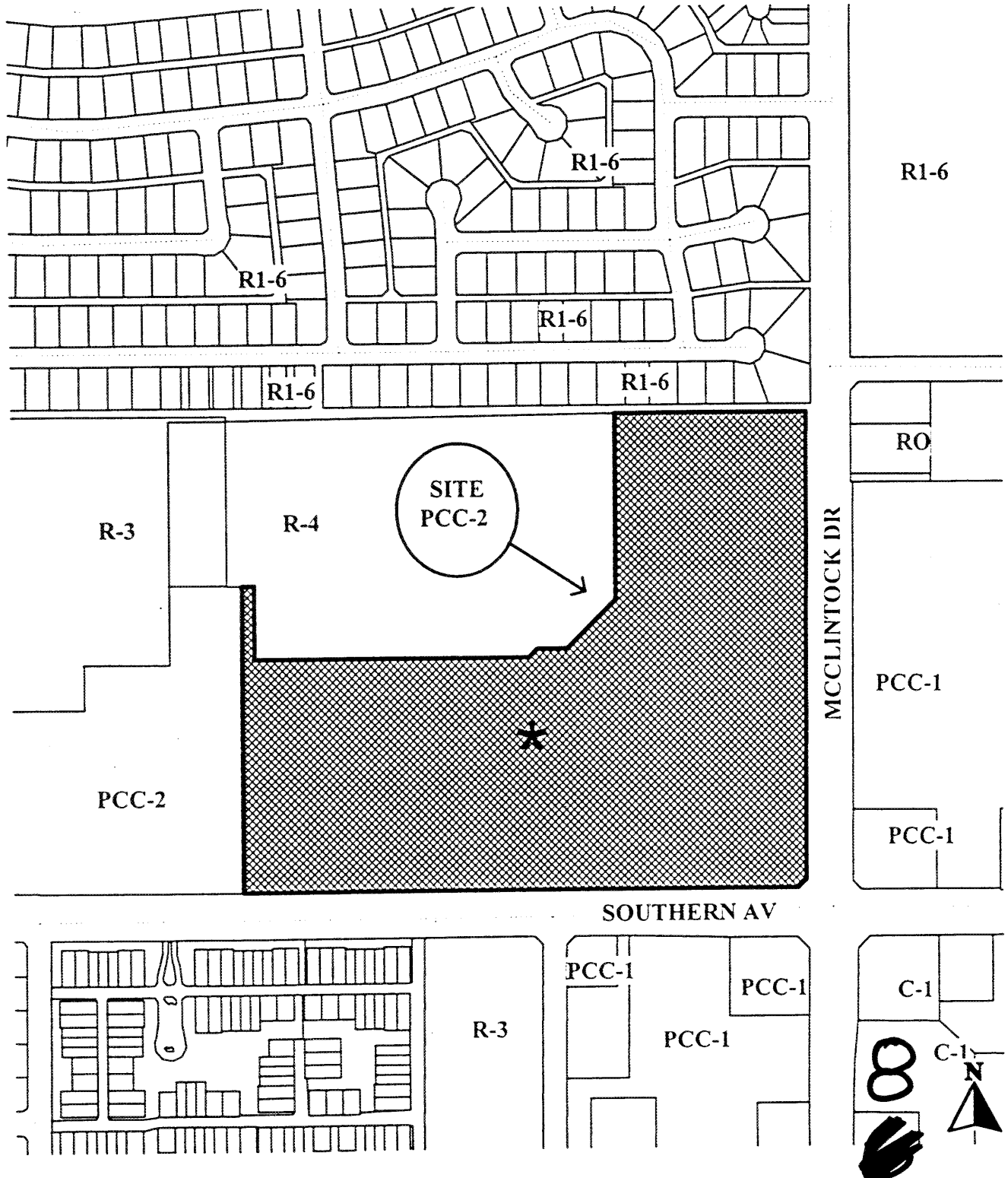
**CONDITION(S)
OF APPROVAL:**

1. a. The Public Works Department shall approve all roadway, alley, and utility easement dedications, driveways, storm water retention, and street drainage plans, water and sewer construction drawings, refuse pickup, and off-site improvements.
- b. Off-site improvements to bring roadways to current standards include:
 - (1) Water lines and fire hydrants
 - (2) Sewer lines
 - (3) Storm drains.
 - (4) Roadway improvements including streetlights, curb, gutter, bikepath, sidewalk, bus shelter, and related amenities.
- c. Fees to be paid with the development of this project include:
 - (1) Water and sewer development fees.
 - (2) Water and/or sewer participation charges.
 - (3) Inspection and testing fees.
2. a. All street dedications shall be made within six (6) months of Council approval.
- b. Public improvements must be installed prior to the issuance of any occupancy permits. Any phasing shall be approved by the Public Works Department.
- c. All new and existing, as well as on-site and off-site, utility lines (other than transmission lines) shall be placed underground prior to the issuance of an occupancy permit for this development in accordance with the Code of the City of Tempe - Section 25.120.
3. No variances may be created by future property lines without the prior approval of the City of Tempe.
4. A valid building permit shall be obtained and substantial construction commenced within one year of the date of Council approval or the variances and use permit shall be deemed null and void.
5. This plan shall be recorded prior to the issuance of permits, and shall show cross access to be maintained throughout this site over the driving aisles. No changes or modifications to the driving aisles will be allowed without the prior approval of the Engineering Department.

6. The applicant shall comply with all applicable state and federal laws regarding archeological artifacts on this site.
7. The use permit is non-transferable and is issued to Food 4 Less _____ only.
8. Any intensification or expansion of the use shall require the applicant to return to the City Council for further review.
9. Any significant verifiable police complaints (as determined by the City Attorney and Police Dept.) shall require the applicant to return to the City Council for re-evaluation of the use permit.
10. The applicant shall resolve all lighting and security details with the Police Department prior to the issuance of a building permit.
11. Re-grade pump area and provide Envibro well drywell for runoff.

FUEL CENTER FOR FOOD 4 LESS

SGF-2000.70



Location Map SEE OTHER SIDE FOR MORE INFORMATION

SYMBOL(S):



EXISTING BUILDING(S)



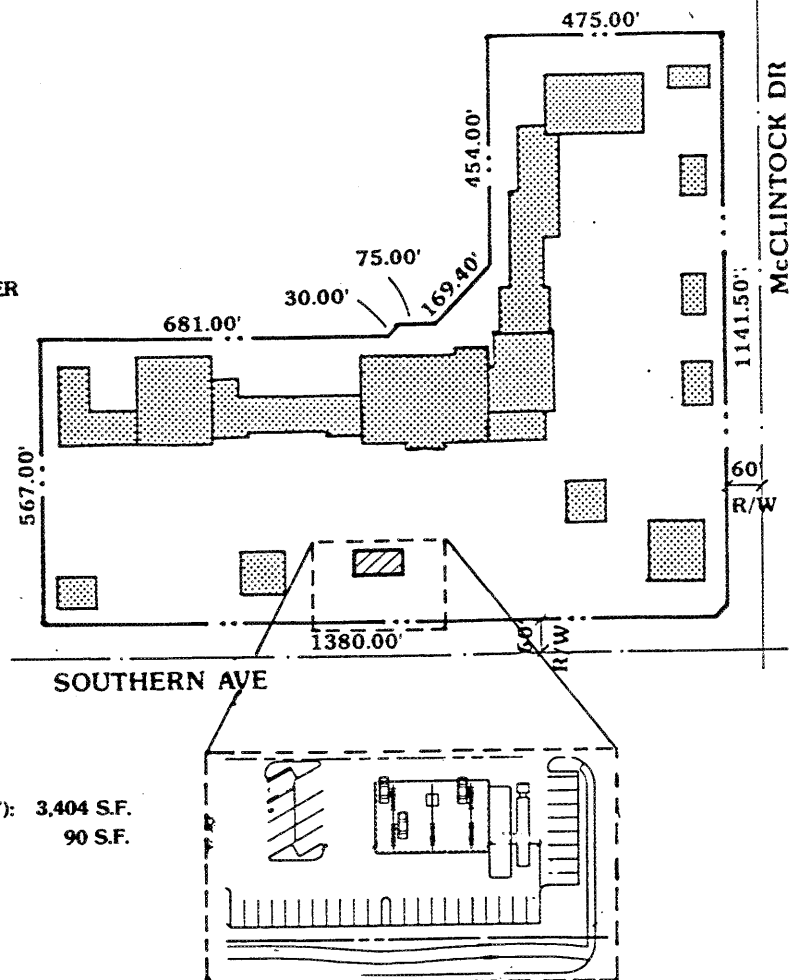
PROPOSED FUEL CENTER
(3,404 S.F.)

USE PERMIT(S): (SEE BELOW)

VARIANCE(S): (SEE BELOW)

SITE DATA:

FUEL CENTER (UNDER CANOPY): 3,404 S.F.
KIOSK: 90 S.F.



PUBLIC HEARING NOTICE

This is a notice for a public hearing for FUEL CENTER FOR FOOD 4 LESS (Center Trust, property owners) for a use permit and three variance to locate a fuel center consisting of 3,404 s.f., on Parcel 4, within Southern Palms Commercial Center (252,505 s.f. total building area for the shopping center on 25.09 net acres) located at 1706 East Southern Avenue. The following approval is requested from the City of Tempe:

#SGF-2000.70 An Amended General Plan of Development and a Final Plan of Development for Parcel 4, Southern Palms Center Phase I, consisting of a 3,404 s.f. canopy area for a fuel center located at 1706 East Southern Avenue, including the following:

Use Permits:

Allow a fuel dispensing facility in the PCC-2 Zoning District.

Variances:

1. Allow a fuel dispensing facility to be located in an area away from an arterial street intersection.
2. Reduce the minimum required rear yard building setback from 40' to 20' (Parcel 4).
3. Waive the six-foot masonry wall and required six-foot landscape buffer along all interior property lines.

If you are interested you may attend a meeting of the Planning & Zoning Commission at 7:00 p.m. Tuesday, December 12, 2000 at the Council Chambers, 31 East Fifth Street. This will be a public hearing and you may present your views in person at the hearing. Or you may respond in writing to the Planning & Zoning Commission, P. O. Box 5002, Tempe, AZ 85280-5002.

If you have any questions or wish to view additional material including artists renderings and elevations which are available while you may contact the Development Services Department at 480-350-8331 or come in to the office at 31 East Fifth Street.

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call 480-350-8331 (voice) or 480-350-8400 (TDD) to request an accommodation to participate in the Planning & Zoning Commission meeting.

FILE COPY

MAILED
11-27-00

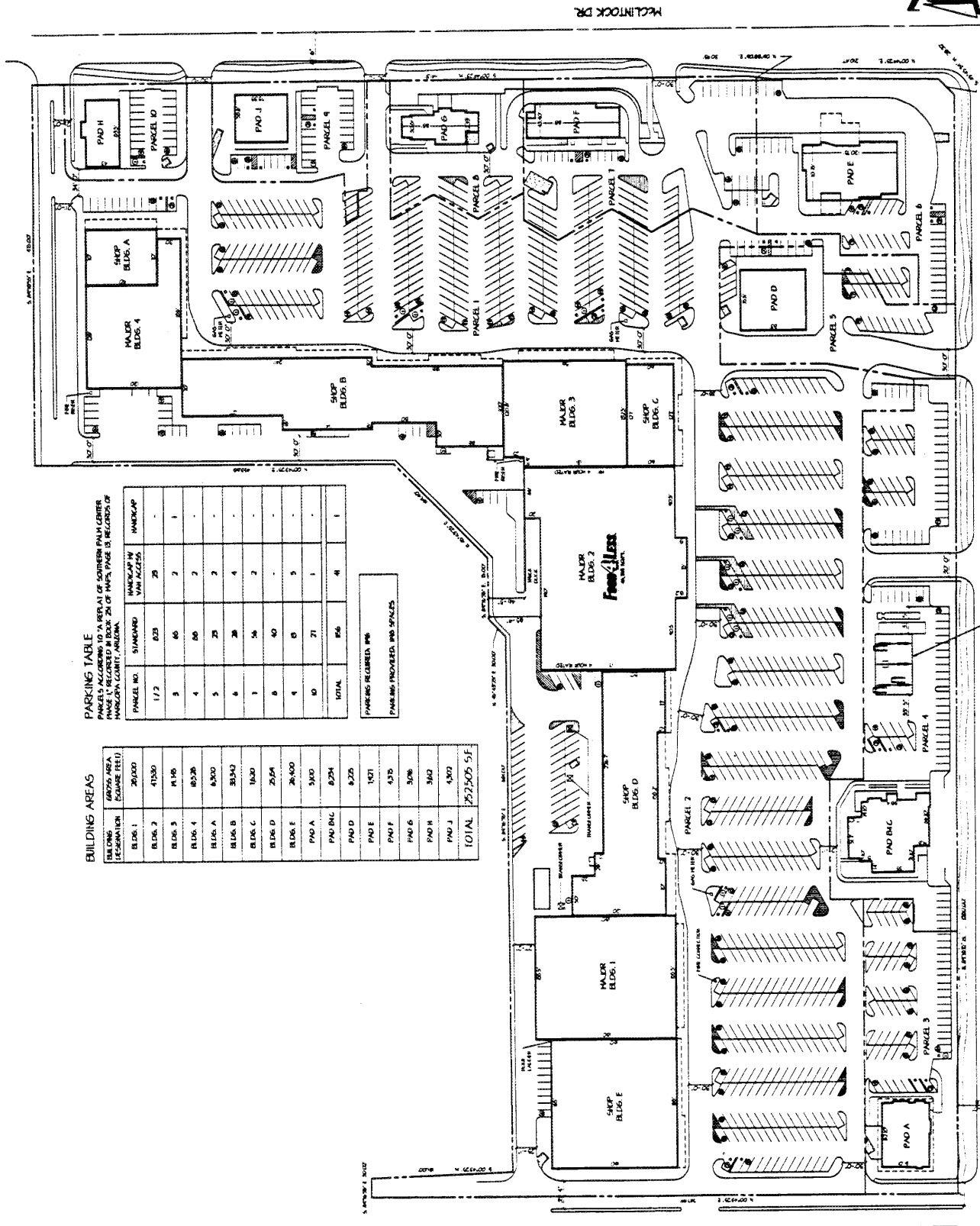
PARKING TABLE
 PARCELS ACCORDING TO "A REPLAY OF SOUTHERN PALM CENTER
 "PAGE 1" RECORDED IN BOOK 251 OF MAPS, PAGE 13, RECORDS OF
 MARICOPA COUNTY, ARIZONA.

PARCEL NO.	STANDARD	MARKING IN VAN ACCESS	MARKING
1/2	23	25	-
3	45	2	1
4	46	2	-
5	25	2	-
6	28	4	-
1	56	2	-
6	40	-	-
4	8	5	-
10	21	1	-
TOTAL	556	41	1

PAID BY THE POST OFFICE

BUILDING AREAS

USE OF FUND ACCOMPLISHMENT	GRAND TOTAL (EXPENSE PER)
RD 06.1	20,000
RD 06.2	47,500
RD 06.3	14,146
RD 06.4	402,306
RD 06.5	8,200
RD 06.6	33,343
RD 06.7	16,400
RD 06.8	25,566
RD 06.9	26,400
PAO A	5,400
PAO B/C	8,204
PAO D	6,225
PAO E	1,071
PAO F	4,375
PAO G	3,096
PAO H	3,642
PAO J	4,302
TOTAL	252,506 SE

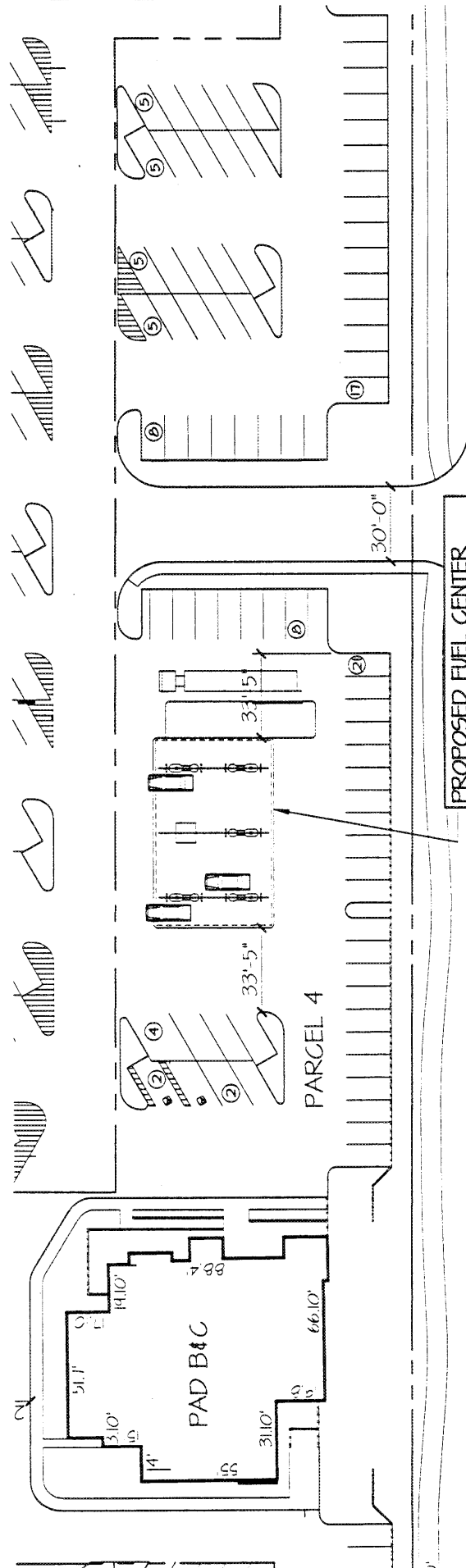


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FOOD-4-LESS
SOUTHERN PALM CENTER
1706 SOUTHERN AVE.
TEMPE, ARIZONA

NEW / EXIST
SITE PLAN
DATE: 11/11/00
BY: [Signature]

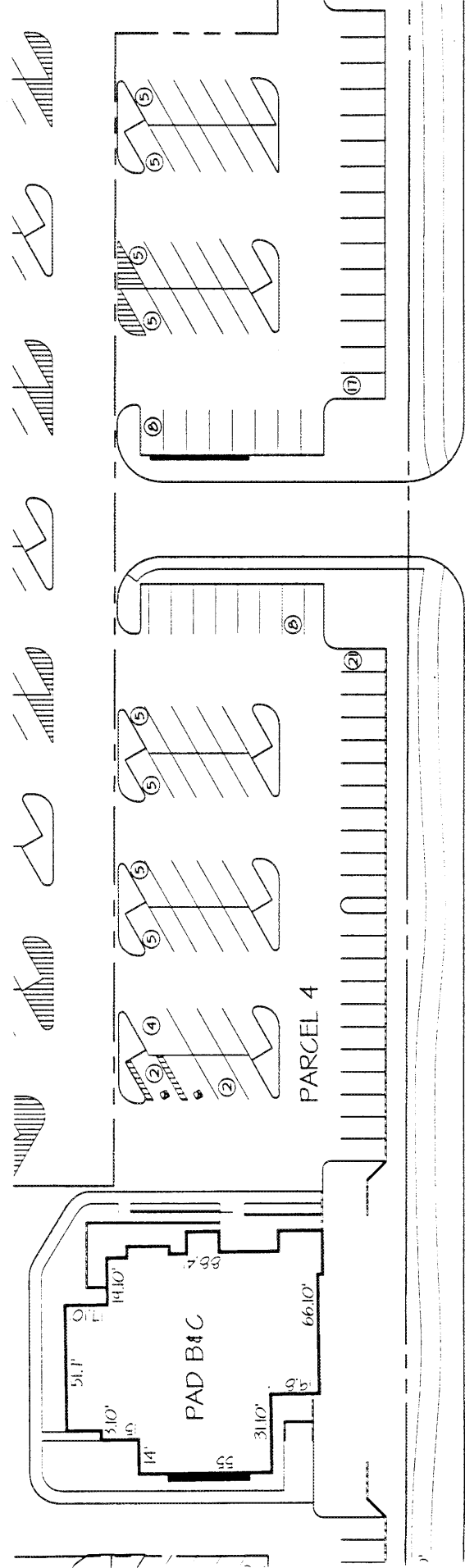
A-2



PROPOSED FUEL CENTER
3404 SQ. FT. UNDER CANOPY
KIOSK 90 S.F.

PROPOSED SITE PLAN
SCALE: 1" = 70'-0"

SOUTHERN AVE.



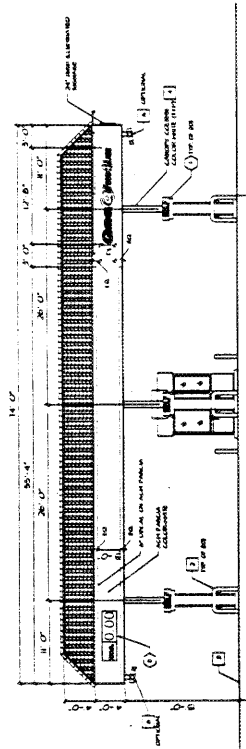
EXISTING SITE PLAN
SCALE: 1" = 70'-0"

SOUTHERN AVE.

96

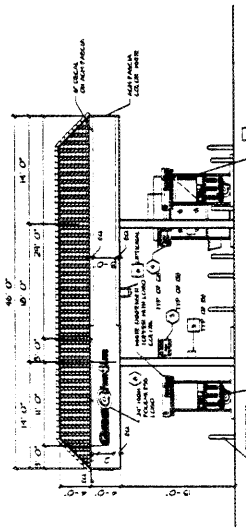
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SGF-2000.70



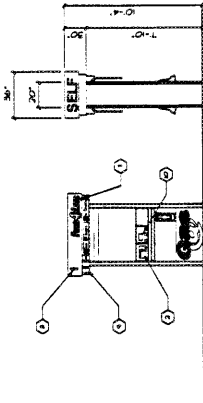
CANOPY FRONT ELEVATION
1/8" = 1'-0"

A 5-PACK-1-EL.



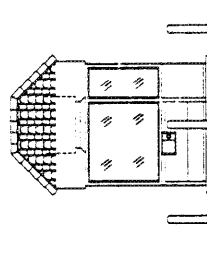
CANOPY SIDE ELEVATION
1/8" = 1'-0"

B 5-PACK-1-EL.



GASOLINE DISPENSER ELEVATIONS
1/4" = 1'-0"

C DISPENSER-EL.



FRONT EXTERIOR ELEVATION

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GENERAL NOTES

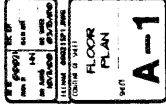
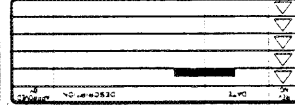
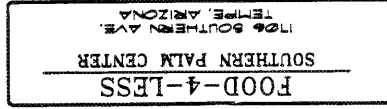
- A. SEE SHEET FOR ADDITIONAL GENERAL NOTES.
- B. SEE ENLARGED SITE PLAN FOR ADDITIONAL DETAIL REFERENCES.

QTY.	DESCRIPTION	TYPICAL PLACEMENT
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SGF-2000-71



Preconstruction Development Services, LLC

1034 East Hiddenvue Drive Phoenix, Arizona 85048

P- (480) 283-8963 F- (480) 283-8913

December 15, 2000

Mr. Hector Tapia
Senior Planner
Development Services Department
City of Tempe
31 East Fifth Street
Tempe, Arizona 85281

RE: **Food 4 Less Fuel Center
Southern Ave. & McClintock Rd.
SGF-2000.70**

Dear Mr. Tapia,

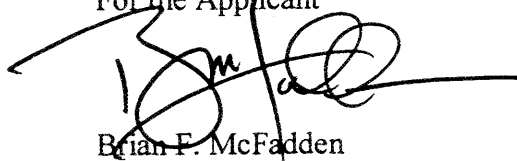
On behalf of the Applicant, please accept this letter as notice of our intent to appeal to the Tempe City Council the actions of the Planning Commission's December 12, 2000 decision to deny the Applicant a Use Permit.

Please see that the Applicant's case is added to the next regularly scheduled Tempe City Council meeting. A formal letter of Explanation and Intent to the Tempe City Council regarding this case will follow.

If you have any questions, please do not hesitate to call me at (480) 283-8963.

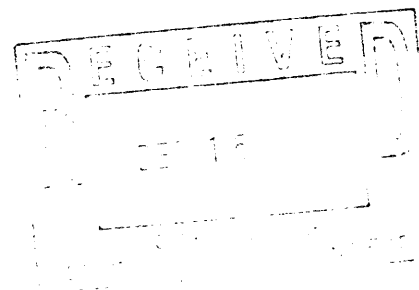
Respectfully,

Preconstruction Development Services, LLC
For the Applicant



Brian F. McFadden

Cc: Brian Lake, Fleming Companies
Scott Thomson, Center Trust
Mr. Don Nemeth, President PRTA



PRE-CONSTRUCTION DEVELOPMENT SERVICES

1034 East Hiddenview Drive, Phoenix, AZ 85048 Phone: (480) 283-8963 Fax: (480) 283-8913 Email: bmcfadden@att.net

November 28, 2000

City of Tempe, Development Services Department
Planning Division
Attn: Mr. Hector Tapia
P.O. Box 5002
31 East 5th Street
Tempe, Arizona 85280

**RE: Proposed Fuel Center- #SGF-2000.70
Southern Ave. & McClintock Rd.
Tempe, Arizona**

Dear Mr. Tapia

Pursuant to the City of Tempe and the Planning and Zoning Commission requirements, the following is a letter of explanation and justification for 3 variances requested by the Applicant. The requested variances include:

- Allowing a fuel dispensing facility to be located in an area away from an arterial street intersection
- Reduce the minimum required rear yard building setback from 40-feet to 20-feet
- Waive the six-foot masonry wall and required six-foot landscape buffer along all interior property lines

Though this request by the Applicant for "forward" and "out of the box" thinking by the City of Tempe Planning Division and Planning Commission, as well as substantial planning on the Applicant's part, that a "off corner" fuel dispensing center be designed to seamlessly integrate into the existing shopping center, that it not interfere with ingress/egress for the shopping center, its tenants, the fuel dispensing center, or arterial traffic, increase in traffic, and moreover, maintain the preservation and enjoyment of all, by not materially posing a detrimental activity or design, the following is for your consideration and approval:

Explanation and Intent

The proposed self-service fuel dispensing center will be located in a portion of the existing parking lot immediately in front of the recently opened Food 4 Less market, adjacent to Southern Avenue, immediately to the east of the existing Joe's Crab Shack, and west of the main entrance into the shopping center off Southern Avenue.

The proposed fuel dispensing center will consist of five fuel pumps, canopy, and a one-attendant kiosk located underneath the canopy. Colors to match the existing center. The fuel dispensing center will be re-graded to accommodate a concrete surface slab (flush with the adjoining pavement), which will allow for drainage. The slab area will be continually maintained. Any spills or contaminants will be sloped to a clarifier, located in the fuel center area.

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The land area located at the immediate southeast corner of the shopping center (intersection of Southern Avenue and McClintock Road) is currently occupied by a tenant/owner. Because of this occupation of land, the desired fuel dispensing center must be located "off-corner."

- ✓ We submit for your consideration and approval a proposed "off-corner" fuel dispensing center containing five pumps, canopy and minimally sized attendant kiosk, and not a food convenience store and/or vehicle maintenance garage, normally associated with a traditional corner fuel dispensing center found throughout the City of Tempe. The open air design of the fuel dispensing center and lack of enclosed building area (convenience store/vehicle maintenance garage) is a departure from what is typically considered by the Planning Division and Planning Commission. The "off corner" location will not pose an additional traffic safety hazard from vehicles traveling along Southern Avenue or McClintock Road or increase traffic to the shopping center. The fact that the fuel dispensing center is located along Southern Avenue and further away from the busy intersection, this will provide easier and safer ingress/egress, and not create the need for immediate vehicle deceleration and turns into the fuel center so close to the intersection, which is normally associated with corner fuel dispensing locations. The fuel dispensing center has been conveniently located such that there is no material adverse affects on the shopping center drive patterns or parking. It has been designed to be located far enough away from the drive and parking lot areas so as not to interfere with drive access or vehicles parking in the lot area. It is not anticipated that the proposed fuel dispensing center will generate additional traffic along Southern Avenue or McClintock Road, or to the shopping center itself. The fuel dispensing center will not enjoy a premium marketing window associated with a corner location, which could attract additional traffic. Because of the proposed "off corner" location, the fuel center is expected to only attract normal local traffic, as well as existing patronage already associated with the shopping center and the Food 4 Less market.

The design and color of the fuel dispensing center's canopy can incorporate the approved Food 4 Less design and colors, further enhancing the area and not creating a blight to the surrounding properties and neighborhood. Acceptable security and functional lighting methods and illumination levels will be discussed and agreed upon by the Planning Division and Applicant during normal planning review. Acceptable parking availability will also be determined and agreed to by each during normal planning review.

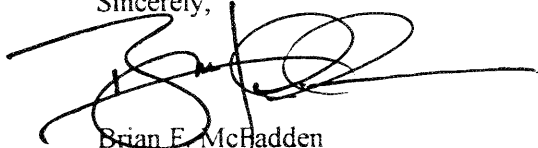
- ✓ Further, we submit for your consideration and approval that the required 40-foot rear setback normally associated and required for corner fuel center locations be waived by issuance of a variance. Because of the atypical location and design of the proposed fuel dispensing center, the need for a 40-foot rear setback is only an administrative requirement and not as much as a practical requirement, which is subject to consideration and change without adverse affect or liability under the circumstances. The defined rear property line is an invisible line situated in the parking lot with no immediate structures adjacent to the property line. Special circumstances associated with this proposed location assert that a minimum 20-foot setback be granted since the 20-foot differential will have no material adverse affect on the surrounding properties, tenants, neighborhood, or identifiable structural safety issues.
- ✓ Finally, we submit for your consideration and approval that since the proposed fuel dispensing center will not be situated on the corner of the shopping center, the required six-foot masonry wall normally required on two-sides of a corner fuel center location, as well as the six-foot wide landscape buffer be waived by issuance of the variance. Since the proposed fuel dispensing center will only contain five pumps, canopy and minimally sized attendant kiosk, and not a food convenience store or vehicle maintenance garage, a

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screening wall of this nature will only be a blight on the shopping center, adjacent properties and to the neighborhood. Additionally, the wall and landscape buffer will only add additional impediments adjacent to the drive areas and pose a substantial traffic view hazard for pedestrians and vehicles alike. Existing landscaping along Southern Avenue, as well as within the existing concrete parking islands and entry drive lanes provide ample landscaping. If it pleases the Planning Division and Planning Commission, the Applicant can install potted and maintained landscaping at the corners of the kiosk and at the ends of the pump islands.

As a representative for the Applicant, it is my pleasure to provide the City of Tempe Planning and Zoning Commission with this letter of explanation with respect to these 3 variance requests. On behalf of the Applicant, we look forward to continuing effective planning and zoning activities toward a successful resolution through the City of Tempe. For any further questions or clarifications, please contact Preconstruction Development Services, LLC, at (480) 283-8963 or by fax or email: (480) 283-8913-bmcfadden@att.net

Sincerely,



Brian E. McFadden

Preconstruction Development Services, LLC

cc: Fleming Companies, Inc
1945 Lakepointe Drive
Lewisville, TX 75026
Attn: Mr. Brian Lake

Center Trust
3500 Sepulveda Boulevard
Manhattan Beach, CA 90266

R.H. Properties, LLC
34197 Pacific Coast Highway, Suite 102
Dana Point, CA 92629
Attn: Mr. Ron Holley

EHL Architecture & Planning, Inc.
575 Anton Boulevard, Suite 140
Costa Mesa, CA 92626
Attn: Mr. Edward Lucero

11c 

EHL ARCHITECTURE & PLANNING, INC.

575 Anton Boulevard, Suite 140 * Costa Mesa, CA * 92626 * (714) 850-1400 * Fax (714) 850-1407

NARRATIVE

September 27, 2000

City of Tempe, Development Services Department
Planning Division
P.O. Box 5002
31 E. 5th Street
Tempe, Arizona 85280

OCT 17 2000

**RE: PROPOSED FUEL CENTER
 SOUTHERN AND MC CLINTOCK
 TEMPE, ARIZONA**

Description

This center is an existing center anchored with various retail businesses, i.e., Staples, a supermarket, Heilig Meyer, along with other parcels including a pet store, Joe's Crab Shack, a steakhouse, McDonalds, and other various fast food restaurants. The property is relatively flat with generous landscaping throughout, including very large, tall existing palm trees scattered throughout the property. The major streets along this property include Southern, running east and west, and McClintock running north and south. The center is located at the northwest corner.

Location


The proposed Fuel Center location will be immediately in front of the proposed Food 4 Less market, adjacent to Southern Avenue, and immediately to the east of Joe's Crab Shack, and west of the main entrance from Southern onto the site. The proposed Fuel Center will consist of five fuel pumps, a canopy, and a one-man kiosk located underneath the canopy. The fuel center area will be regraded to accommodate a concrete surface slab which will allow for drainage, to be maintained within the fuel center area. Any spills or contaminants will be sloped to a clarifier, located in the fuel center area. Regrading will flush with the existing asphalt area.

Goals

The owners of the fuel center, Food 4 Less/Fleming Companies Inc., will own and operate this center with the intent to provide better services to the general public and the surrounding community by providing a convenient way to refuel vehicles while in the presence of the shopping center. Anyone shopping within the center will have the ability to drive up to the pumps without going into the main streets to circulate and secure fuel from other locations. The fuel center will have a full-time attendant who will assist customers with any fuel problems, credit card, cash problems or pay-for-fuel.

Objectives

The proposed fuel center objectives will be to enhance customer service for the supermarket as well as the general public area, competition with other fuel dispensing services in the area, and create an architectural harmony with the surrounding design and of the facilities. By having the fuel center

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NARRATIVE - Page Two

within the shopping center it is felt that easy access from within the shopping center will be better accommodated by eliminating congestion as customers leave the fuel center since it is not located on the corner thereby enhancing circulation in and out of the center and avoiding any traffic problems trying to leave a corner station due to traffic flows from the main arteries. Because of better access there is better visibility coming and leaving the fuel center area. In addition, by having good lighting from within the center, better visibility will occur whereby having a better traffic flow within the center as well as leaving the center from the fuel center.

Architectural Style

The proposed fuel center will be consistent with the existing center in terms of colors and materials located within. It is proposed to allow the fuel center canopy to have mission tile, to help us patterned with the existing center. The colors of the canopy will also be consistent with the colors located within the center. Landscaping will be enhanced necessary to provide soft architectural treatment within this area.

Conclusion

Allowing this fuel center to be approved, we feel that the general public will benefit from the prices of local gas dispensing customers by allowing better competition to occur. In addition, due to the harmony of the payment of the fuel center, allowing better traffic flows, as well as the architectural treatment, this fuel center will benefit the general customer base for shoppers from the area in general as well as drive-by traffic.

For any further questions or clarifications, please contact EHL Architecture and Planning, Inc., at 714-850-1400 or by fax at 714-850-1407.

Sincerely,



Edward H. Lucero
Architect

cc: Fleming Companies, Inc.
1945 Lakepointe Drive
Lewisville, Texas 75026
ATTN: Brian Lake

Center Trust
3500 Sepulveda Boulevard
Manhattan Beach, CA 90266
ATTN: Steve Perales

OCT 17 2007

He 

Tapia, Hector

From: Fackler, Dave
Sent: Thursday, December 07, 2000 11:09 AM
To: Tapia, Hector; Brittingham, Fred
Subject: FW: Zoning variance for Food 4 Less gas station

FYI

-----Original Message-----

From: Cbuzzaz@aol.com [mailto:Cbuzzaz@aol.com]
Sent: Thursday, December 07, 2000 9:47 AM
To: neil_giuliano@tempe.gov; Len_copple@tempe.gov;
Ben_arredondo@tempe.gov; dennis_cayhill@tempe.gov;
barb_carter@tempe.gov; Hugh_hallman@tempe.gov; mark_mitchell@tempe.gov
Cc: dave_fackler@tempe.gov
Subject: Zoning variance for Food 4 Less gas station

Having lived in Tempe for over 35 years, I have seen many changes. As a resident of Park Riveria Townhouse on Southern Ave just across the street from the proposed zoning variance for the construction of a need Food 4 Less gas station, I have one comment. THIS IS NOT A GOOD CHANGE.

This goes against the normal planning and zoning of placing gas stations on corner locations. There are 6 different gasoline brands represented by 9 different locations within 1.5 miles of this location. NO MORE ARE NEEDED.

At this time the traffic in the Southern Ave and McClintock area is heavy, and I don't see any way that this additional service station will help the situation.

There is a corner at McClintock and Southern (southwest corner) where an old restaurant was that is closed, this location would be ideal, but it is across the Southern Ave from the store.

I take this opportunity to thank you in advance for a wise decision, which will affect the city of Tempe and the quality of life in our area of the city.

Charles E. Buzzard
cbuzzaz@aol.com

11-7-2000

From the desk of...

G I N N Y

SAMSON

Planning & Zoning Commission
P.O.Box 5002
Tempe AZ

Gentlemen:

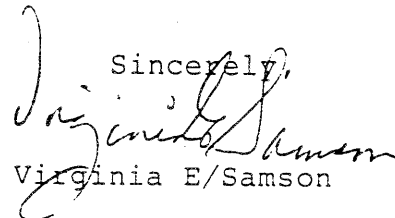
Thank you for the notice regarding Food 4 Less application for fuel center at Southern Palms Center.

While I am looking forward to the grocery store, I do not favor the fuel center ! I live in the Townhouses directly across the street from Sweet Tomatoes, Since winter people have arrived, the traffic situation is becoming a hazard, as one meets people turning north as we enter south to our residence.

I feel a fuel center would only increase the traffic problems and would not be in favor of your issuing such a permit.

Other home owners living at Park Riviera have also expressed displeasure at this idea. I hope you will take the matter under consideration and study the already heavy traffice on Southern.

Sincerely,


Virginia E/Samson


12a



Park Riviera Townhouse Association

P.O. Box 24191

Tempe, Arizona 85285

November 16, 2000

Dave Fackler
Development Services Director
City of Tempe
31 East 5th Street
Tempe, AZ 85281

Dear Mr. Fackler;

I am writing this letter as president of the Park Riviera Townhouse Association (PRTA), to express my concern about the lack of notification to the PRTA regarding the placement of a gas station in the parking lot of the Food for Less grocery store on the north side of Southern Ave between McClintock and Dorsey. Our complex is almost directly across the street from the proposed site and we constitute 135 homeowners.

Several residents in the complex received notices of the proposed hearings but notification to the PRTA was not given although other notices were sent to other surrounding associations. I am assuming it as an oversight on your part plus we have changed our mailing address since your last communication to us.

Please consider us in the future for notification of this issue and other issues in the future, which affect our neighborhood. Also please revise your mailing address file to reflect our address as:

Park Riviera Townhouse Association

P.O. Box 24191

Tempe, AZ 85285

If you have any questions, please contact me at 480-730-6691. Thank you for your attention in this matter.

Sincerely,

Don R. Nemeth
President PRTA

CC: Mayor Neil Giuliano
Tempe City Council Members:

Ben Arredondo
Dennis Cahill
Barb Carter
Leonard Copple
Hugh Hallman
Mark Mitchell

126

MARK S. BOSCO
MICHAEL A. BOSCO, JR.
R. M. JOE BUSHONG
MARK D. DIOGUARDI
WILLIAM H. FINNEGAN
JOHN P. FLYNN
STEVEN G. FORD
JOHN A. GREENE
RICHARD G. HIMELRICK
WILLIAM J. HOWARD
PAMELA L. KINGSLEY
MARK L. MANOIL
J. LAWRENCE McCORMLEY
LEONARD J. McDONALD, JR.
TRACY S. MOREHOUSE
DOW GLENN OSTLUND
ALEXANDER POULOS
ROBERT A. ROYAL
WILLIAM J. SIMON
KATHY A. STEADMAN
MICHAEL E. TIFFANY
C. TIMOTHY WHITE

TIFFANY & BOSCO

A PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

FIFTH FLOOR VIAD TOWER
1850 NORTH CENTRAL AVENUE
PHOENIX, ARIZONA 85004-4546

TELEPHONE (602) 255-6000
FACSIMILE (602) 255-0103

WRITER'S DIRECT LINE (602) 255-6017
WRITER'S DIRECT FAX (602) 712-1816
WRITER'S E-MAIL: mdioguardi@tiffany-bosco.com

November 21, 2000

City of Tempe
ATTN: Hector Tapia
Development Services Department
31 East 5th Street
Tempe, Arizona 85282-5002

Re: Application No. SGF-2000.70 - Use Permit & Variance Requests for "Fuel Center for Food 4 Less" Location: 1706 East Southern Avenue, Tempe (Our File No. 6451-001)

Dear City of Tempe:

We represent YF Eastridge Limited Partnership, the owner of the Eastridge Apartments to the north and west of the subject site.

We would like to register our opposition to the subject application for the following reasons:

1. The proposed facility would not be an aesthetic enhancement to the area, and would instead detract from the neighborhood.
2. The shopping center where this facility is proposed already generates a heavy volume of traffic and noise at night. The proposed use would exacerbate this problem next to our residential community.
3. The request does not meet several of the statutory and ordinance requirements, all of which must be met, for a variance as follows:
 - (a) There are no special circumstances or conditions applying to this property or use which do not apply to other properties in a PCC-1 zoning district.
 - (b) The request is generated solely by the owner's desire to have this use at this

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TIFFANY & BOSCO

A PROFESSIONAL ASSOCIATION

City of Tempe
ATTN: Hector Tapia
Development Services Department
November 21, 2000
Page 2

particular location, and is, therefore, of the owner's own making and not due to a unique feature of the property causing a hardship to the owner.

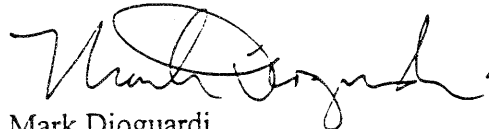
- (c) The variance is not necessary for the owner to benefit from this property. The owner can utilize any use allowed by the PCC-1 zoning district at this location.
- (d) The application will be materially detrimental to persons residing in the adjacent premises in that the proposed use will generate additional nighttime traffic and noise, and, if the environmental safety features which would accompany the fuel storage tanks at this facility in any way fail, the health of the adjacent residents could be jeopardized.

Based on the above reasons, we urge you to reject the subject applications.

If we can answer any questions, please do not hesitate to contact the undersigned.

Sincerely,

TIFFANY & BOSCO, P.A.



Mark Dioguardi
For YF Eastridge Limited Partnership

MDD:lcl

cc: Planning & Zoning Commission
Mayor Neil G. Giuliano
Vice Mayor Len Copple
Councilmember Ben Arredondo
Councilmember Dennis Cahill
Councilmember Barbara Carter
Councilmember Hugh Hallman
Councilmember Mark Mitchell
Mr. Joseph Yousem
Ms. Jennifer Karie
Mr. Robert Friedman



12 d

1653 E. Del Rio Dr.
Tempe, AZ 85282

City of Tempe
Planning & Zoning Commission
P.O. 5002
Tempe, AZ 85280-5002

Re: #SGF-2000.70
Fuel Center for Food 4 Less
1706 E. Southern Av.

Dear Sirs,

I am writing to you not so much in objection to this particular use permit and variance request (for the record I am strongly opposed) as in general to both the City of Tempe and property management of Southern Palms Commercial Center (SPCC.)

The City allowed both SPCC and Food 4 Less to remodel and take occupancy of an existing space without due consideration of apartment and single family residents who live "behind" or on the north side of this location.

There seems to be an abundance of noise pollution in or near the Southern-McClintock intersection. Why should the City permit additional traffic to operate at this location without addressing the aforementioned in paragraph 2?

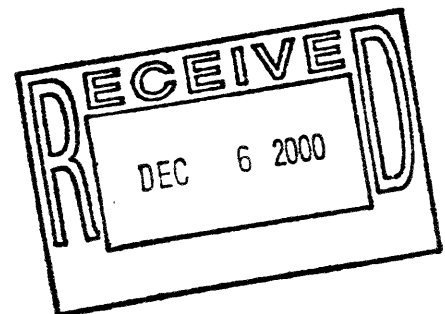
I am a homeowner in this neighborhood. I offered for free to SPCC to plant vegetation as a visual and audial block to aid in this matter but was re-buffed.

Is there not something either the City or a particular code or standard would require to address this issue? Rhetorically, I doubt so. Therefore, as a good neighbor I remain fervently opposed to the requested permit and variances.

Sincerely,



Michael Caul



[Handwritten signature]
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Park Riviera Townhouse Complex Resident Petition To The Tempe Development Services Department

We are residents of the Park Riviera Townhouse complex located across Southern Avenue from the strip mall where a "fuel center", associated with the new Food 4 Less grocery store, is being proposed.

As the residents in the area who would be most directly affected by the increase in traffic, noise and air pollution, we feel this is a totally unnecessary and inappropriate site for a gas station and strongly urge the City of Tempe to reject this proposal.

Southern Avenue is already a heavily congested thoroughfare in a densely populated residential area. We don't need an accident-magnet constructed in front of our complex. Currently the shopping area has six entrances that effectively disperse traffic entering and leaving the property. The fuel center would significantly increase traffic in the entrances almost directly across from Park Riviera.

This gas station would be a completely inappropriate, unnecessary and potentially disruptive and dangerous addition to the location. We urge you to deny the application in its entirety.

December, 2000

Name

Address

Name

Address

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Address

12f

Park Riviera Townhouse Complex Resident Petition To The Tempe Development Services Department

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This gas station would be a completely inappropriate, unnecessary and potentially disruptive and dangerous addition to the location. We urge you to deny the application in its entirety.

December, 2000

Rebecca Burch	1416 E. Coronado Dr. Tempe 85281
Name	Address
T. Green Z. Trautman	1502 E. Coronado Dr. Tempe 85282
Name	Address
L. R. Uebe Leese	1418 E. Coronado Dr. Tempe 85282
Name	Address
R. J. Leone	1418 E. Coronado Dr. Tempe 85281
Name	Address
G. D. Dean	1501 E. Malibu Dr. Tempe, AZ 85288
Name	Address

Name Address

Name Address

Name Address

Name Address

Name Address

December 12, 2000

To The Tempe Development Services Department:

We are residents of the Park Riviera Townhouse complex located across Southern Avenue from the strip mall where a "fuel center", associated with the new Food 4 Less grocery store, is being proposed.

We feel this is a totally unnecessary and inappropriate site for a gas station and, as the residents in the area who would be most directly affected by the increase in traffic, noise and air pollution, we strongly urge the City of Tempe to reject this proposal.

~~You indicate on previous examples descriptions of the traffic, noise, accidents, etc.~~

A narrative letter from the fuel center applicant describing the site notes that shopping center shoppers "will have the ability to drive up to the pumps without going into the main streets to circulate and secure fuel from other locations." How silly. Does that mean those shoppers drop in from heaven and return there when shopping/refueling is completed, never having to use the "main streets"?

The fuel center's purpose must be to draw customers and increase traffic volumes for Food 4 Less whose interest in adding the gas station to the site has to be based on profitable numbers. (And, as part of their application, they should be required to provide projected traffic counts based on the volume of sales they expect to create.)

Southern Avenue is already a heavily congested thoroughfare in a densely populated residential area. We don't need an accident-magnet constructed in front of our complex. The shopping area currently has six entrances that effectively disperse traffic entering and leaving the property. The fuel center would significantly increase traffic in the entrances almost directly across from Park Riviera.

There are nine gas stations with over 40 pumps within approximately a mile and a half of this site — ALL located where Tempe normally zones stations ... ON CORNERS!

This "fuel station" would be a completely inappropriate, unnecessary and potentially disruptive and dangerous addition to the location. We urge you to deny the application in its entirety.

Sincerely,

Name Nora J. Kerenzen Address 1531 E. Newport Ave.

Name Marian S. Spurd Address 1603 E. Newport Dr.

Name Laura J. Weber Address 1611 E. Newport

Name Noreen L. Day Address 1619 E. Newport Dr.

Name David O. McKen Address 1631 E. Newport Dr.

Name Carmen Andersen Address 3329 SELM ST

12h

200 1613 Elm St. Tempe Az
Name Address

Jim & Joy Dale 3334 J. Elm St. Tempe AZ 85282
Name Address

Matthew Brassell 3336 S ELM St Tempe Az 85282
Name Address

José M. Teroz 1605 E. Malibu Drive
Name Address

Angela Lane 1614 E Malibu
Name Address

Mary & Davis 1627 E Malibu Dr
Name Address

Robert & Alice 1609 E. MALIBU DR
Name Address

Name Address

Name Address

Name Address

Name Address

Name Address

Name Address

Name Address

12i

56F-2000.70

December 12, 2000

To The Tempe Development Services Department:

We are residents of the Park Riviera Townhouse complex located across Southern Avenue from the strip mall where a "fuel center", associated with the new Food 4 Less grocery store, is being proposed.

We feel this is a totally unnecessary and inappropriate site for a gas station and, as the residents in the area who would be most directly affected by the increase in traffic, noise and air pollution, we strongly urge the City of Tempe to reject this proposal.

~~[...you might put in some examples or descriptions of the traffic, noise, accidents etc.,]~~

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Sincerely,

Bettie Nelson
Name

3317 South Oak St., Tempe 85282
Address

Ignacio Vukobratovic
Name

3313 S. Oak ST. TEMPE 85282
Address

Aheila M. Kehl
Name

3335 S. Poplar St. Tempe 85282
Address

Judith Roth
Name

3345 S. Oak Tempe 85282
Address

Barbara Wolfe
Name

1503 E. Malibu Dr., Tempe 85282
Address

Janette Melberg
Name

3311-S. Poplar Tempe 8
Address

12j

Ulrike Farber 3321 S Oak Street, Tempe
Name Address

Amelia Hunklitsa 3319 S. Poplar Tempe, AZ
Name Address

Rachael Brown 3329 S Oak Tempe AZ
Name Address

Adam E. Juchacz 3333 S. OAK ST 92186 AZ
Name Address

Ly Ly 3337 S OAK Tempe, AZ
Name Address

Tom Kovian 3341 S. Oak St. Tempe AZ.
Name Address

Derek Muth 3327 S Poplar St. Tempe AZ
Name Address

Ch Ki 3327 S Poplar St. Tempe, AZ
Name Address

Alison Miller 3318 S. Juniper St. Tempe AZ
Name Address

Billy Vigil 3318 S. Juniper St Tempe AZ
Name Address

Brent Winfield 3326 S. Juniper St Tempe. AZ
Name Address

Susan Malcom 3326 S. Juniper St Tempe AZ
Name Address

Wanda Donaldson 3328 S. JUNIPER ST TEMPE AZ
Name Address

Don Donaldson 3328 S. Juniper St Tempe AZ.
Name Address

12K:

Sarah Aginlar

Name

3330 S. Elm St

Address

Gregson

Name

3332 So Elm

Address

Sam Holgren

Name

3332 S. Elm

Address

Name

Address

Name

Address

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Address

December 12, 2000

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This "fuel station" would be a completely inappropriate, unnecessary and potentially disruptive and dangerous addition to the location. We urge you to deny the application in its entirety.

Sincerely,

Helene G. Kramers *1607 E. Desert 20*
Name Address

Sena M. Cook *1617 E. Malibu Avenue Tempe*
Name Address

L. Mangin *1513 E. Malibu*
Name Address

Diana M. Rogers *1508 E. Malibu Ave. Tempe Az.*
Name Address

Bell Wolfe *1503 E. Malibu TEMPE AZ*
Name Address

Ruth E. Williams *1502 E. Malibu Dr. Tempe*
Name Address

12m

Dear Mayor Giuliano and City Council Members,

I am a resident and owner in the Park Riviera townhouse complex located across Southern Avenue from the strip mall where a "fuel center" (otherwise known as a gas station), associated with the Food 4 Less grocery store, is being proposed. This is a totally inappropriate proposal and urge you to join the Planning & Zoning Commission in denying the fuel center application in its entirety.

Southern Avenue is already an extremely heavily congested thoroughfare in a densely populated residential area. The gas station's purpose must be to draw customers and increase traffic volumes for Food 4 Less whose interest in adding the fuel center to the site has to have been based on profitable numbers.

The shopping area currently has six entrances that effectively disperse traffic entering and leaving the property. The gas station would significantly increase traffic in the entrances on Southern Avenue almost directly across from Park Riviera and that additional traffic volume may be particularly heavy during the evening rush hour.

The fuel center certainly isn't addressing any gross lack of opportunities for refueling in the neighborhood. Within approximately a mile and a half of the proposed fuel center, there are already nine gas stations (all located on CORNERS ... Tempe's normal zoning for such entities) with more than 40 pumps!

Gas Station Locations	Brand	# Pumps
NE corner Southern/McClintock	Arco	6
NW corner Southern/Rural	Union 76	4
NW corner Southern/Priest-101	? Arco	?
NE corner Rural/Broadway	Arco	4
NW corner Rural/Baseline	Chevron	6
SE corner Rural/Baseline	Texaco	4
NE corner McClintock/Broadway	Chevron	6
NW corner McClintock/Baseline	Exxon	6
SE corner McClintock/Baseline	Mobile	4
Total Stations within about 1.5 miles of the proposed fuel center	9	40+

As you can see, one of those stations, a newly renovated ARCO with an AM/PM mini mart, is located at the northeast corner of Southern and McClintock within a few hundred feet of the proposed fuel center. A station has been on that corner for as long as I can remember ... and I've lived in the complex since the Southern Palms shopping center was still an undeveloped lot.

In fact, Southern Avenue between Mill and McClintock has seen a 50% decrease in gas stations over the past several years. This might suggest an inability to profitably sustain more than the current number of stations in the area.

12n

At the Planning & Zoning meeting in December, there was a question as to why Joe's Crab Shack restaurant (immediately adjacent to where the fuel center would be located) hadn't made any comment. The gas station would even take a chunk of their designated parking area. I stopped at the restaurant after the P&Z meeting and talked with the general manager. She knew nothing about the plan because she had never been notified.

This area is a well-established section of town with solid, well maintained, middle income neighborhoods. It is important for the Council to keep that in mind when considering the kinds of businesses that will come into the two shopping centers in the area, particularly the northeast and northwest corners, which have been undergoing considerable retail shuffling. It is important to make sure our property values are enhanced, not diminished by shopping center contents and aesthetics.

Neither Tempe nor the Park Riviera complex residents need an accident-magnet constructed on Southern Avenue.

This "fuel station" is a completely inappropriate, unnecessary and potentially disruptive and dangerous addition to the location. I urge you to deny the application in its entirety.

Again, thank you for your time and consideration.

Sincerely,

TJ Taub
3339 S. Poplar

12 n.

DEC 6 6 2000

Heffernan & Associates

Transportation Consultants

4350 East Camelback Road ♦ Suite 100-F ♦ Phoenix, Arizona 85018 ♦ (602) 952-1605

December 5, 2000

VIA MESSENGER

Hector Tapia, Planner
Development Services Department
City of Tempe
31 East Fifth Street – Garden Level
Tempe, Arizona 85281

RE: SOUTHERN PALMS CENTER
NWC SOUTHERN AVENUE & MCCLINTOCK DRIVE

Dear Mr. Tapia:

Enclosed is our updated parking analysis for the above-referenced project. Since this center is already operating under a parking-by-demand use permit (approved back in 1992), we only needed to update the tenant mix to reflect current conditions and then apply the Tempe Standard Shared Parking Model.

The results of our updated analysis show that the proposed fueling center would have little impact on future parking conditions at the site. Even with the loss of approximately 20 spaces, the remaining parking supply (1,132 spaces) will be more than adequate to accommodate the predicted peak demand (1,034 spaces) associated with a fully-leased center.

Please call me if you have any questions regarding our analysis.

Very truly yours,



Kathryn Z. Heffernan, P.E.
Principal

KZH/cd

Enclosure (2 copies)

cc: Brian McFadden, PDS LLC

13

DEC 6 6 2000

Updated Parking Study for
SOUTHERN PALMS CENTER

Prepared for Preconstruction Development Services, LLC

By Heffernan & Associates

13a


Updated Parking Study for SOUTHERN PALMS CENTER

Prepared for Preconstruction Design Services, LLC



December 5, 2000

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13c


INTRODUCTION

Southern Palms Center is a retail center located on the northwest corner of Southern Avenue and McClintock Drive. In 1992, the owner was granted a special use permit allowing this center's parking requirement to be based upon the predicted peak parking demand rather than the standard parking ratios prescribed by the Tempe Zoning Ordinance. (This was one of the very first such use permits approved by the City.) Heffernan & Associates provided the detailed parking demand analysis on which this approval was based.¹

The center's anchor tenant, Food 4 Less, is currently seeking the City's approval to build five self-service gas pumps for the convenience of its customers. Although the proposed fuel center would not generate any additional parking demand of its own, its construction would result in the loss of approximately 20 existing parking spaces. Heffernan & Associates was asked to prepare an updated parking analysis to determine if the reduced parking supply would still be sufficient to accommodate the center's peak parking demand. This report presents the results of the updated analysis.

EXISTING CONDITIONS

There has been considerable turnover of tenants within Southern Palms Center since 1992. The current tenant roll for the center shows a vacancy rate of only eight percent (see Exhibit 1). However, one of the anchor tenants (Heilig-Meyers Furniture) is in the process of closing its store and will be vacating its space in the near future. The largest tenant is Food 4 Less, which occupies over 43,500 square feet. Other large tenants include Staples Office Supplies, Goodwill Industries, and Coomers Crafts. The center is occupied primarily by general retailers, although it also contains several restaurants, a pool hall, and a few office-type uses (bank, insurance agents, etc.).

¹ Heffernan & Associates, *Parking Demand Analysis for Southern Palms Center*. Prepared for Boland, Mulhern & Associates, February 18, 1992.

Suite No.	Tenant	Leased Space (SF)					Total
		Retail	Office	Restaurant	Pool Hall	Vacant	
1538-1	Coomers	12,697					12,697
1538-5	Woodcraft	9,305					9,305
1538-R	Management Office		979				979
1538-?	Vacant					1,662	1,662
1538-?	Vacant					440	440
1546	Heilig-Meyers*	28,000 *					28,000
1628-1	West Marine	6,000					6,000
1628-2	Back East Bagels			2,496			2,496
1628-3	Vacant					1,050	1,050
1628-4	9 to 9 Hair Designs	1,590					1,590
1628-5	U.S. West	1,700					1,700
1628-7	ExecuStay		2,345				2,345
1628-9	Mail Plus	1,148					1,148
1628-10	Merle Norman	600					600
1628-11	Ann's Hallmark	3,933					3,933
1628-12	Sally Beauty Supply	1,602					1,602
1628-13	Vacant					3,200	3,200
1706	Food 4 Less	47,530					47,530
1726-1	GNC	1,320					1,320
1726-2	Flowers Galore	960					960
1726-3	Tubby's Grilled Subs			900			900
1726-4	Vacant					912	912
1726-5	Vacant					900	900
1726-6	Altered Ego Salon	1,140					1,140
1726-7	State Farm Insurance		850				850
1726-8	Career Profiles		650				650
3210	Staples	28,345					28,345
3136	Clicks Billiards				8,916		8,916
3136-7,8	Vacant					10,032	10,032
3136-10	Tyke's World	3,477					3,477
3136-?	Vacant					2,020	2,020
3122	Goodwill Industries	18,523					18,523
3114-1	John's PermaClean	2,730					2,730
3114-2	All About Tennis	2,147					2,147
3108-1	Baskin-Robbins			1,009			1,009
3108-2	Titan Auto Insurance		1,085				1,085
3108-3	Papa John's Pizza			1,505			1,505
3130	Leslie's Pool Supply	4,302					4,302
3206	YC's Mongolian Foods			3,016			3,016
3218	McDonald's			4,800			4,800
1744	Bank One		8,531				8,531
1734	Outback Steakhouse			6,225			6,225
1604	Joe's Crab Shack			9,000			9,000
1522	JB's			5,100			5,100
TOTAL BUILDING AREA		177,049	14,440	34,051	8,916	20,216	254,672

* Heilig-Meyers is a furniture store, which is treated as a separate retail category in the City's parking code (requiring less parking than other types of retail uses). However, the company is in the process of closing this store, and the building is likely to be leased to another retail use in the future, since no furniture store has expressed interest. Therefore, this particular tenant space has been included under "retail" - rather than the more limiting "furniture store" category - for the purpose of this parking analysis.

This table reflects shopping center occupancy as of 12/1/00.

13e ~~13e~~

CURRENT TENANTS

HEFFERNAN & ASSOCIATES

Exhibit

1

A field survey was conducted in order to verify the number of parking spaces currently provided on the site. A total of 1,166 marked parking spaces (including 35 accessible spaces) were found. However, six of these spaces have been given over to shopping cart storage, and another eight spaces are occupied by dumpsters. Therefore, only 1,152 parking spaces are currently available for parking. One space (located next to Joe's Crab Shack) is reserved for the "Employee of the Month," and five spaces at the rear of the center are designated for "Management Office."

If the proposed fueling center is built, the on-site parking supply would decrease by 20 spaces – to 1,132 usable spaces.

TEMPE STANDARD SHARED PARKING MODEL

The existing parking-by-demand special use permit explicitly recognizes the concept of shared parking and its applicability to this particular retail center. The shared parking concept takes into account the fact that different land uses can have parking accumulation patterns which vary considerably by hour, by day, or by season. This means that the same parking space can sometimes serve two or more land uses without conflict or encroachment – and consequently, less parking is needed to accommodate peak parking demand in multi-tenant projects such as Southern Palms Center.

City staff has developed the Tempe Standard Shared Parking Model (TSSPM), which may be used for estimating the parking demand for a specific mix of land uses. This model assumes that every land use within a multi-tenant center will actually utilize the full amount of parking required by the standard parking ratios of the Tempe Zoning Ordinance during some specific time period but would generate less demand at other times. The model takes into account the fact that these periods of peak parking demand may occur at different times of the day. This means that shared parking opportunities may reduce the number of parking spaces needed to meet the overall parking demand of the center.

The TSSPM provides parking accumulation curves for various land use categories. These curves represent average parking usage for those particular land uses (expressed as a percentage of the peak demand) for each hour of the day, based on studies and observations

collected by staff over a number of years. Two different sets of these curves are included in the model – one for weekdays and one for weekends – since parking patterns are likely to vary considerably by day of the week. The first step in applying the TSSPM to a specific project is to calculate the code requirement for each land use component using the parking ratios found in the Tempe Zoning Ordinance. The requirements are then multiplied by the appropriate percentages provided in the model, and the results added together, to develop an estimate of the overall parking demand for the project for each hour of the day. The maximum parking demand is then compared to the parking supply to determine if sufficient parking is provided.

Although the 1992 parking study prepared by Heffernan & Associates provided empirical evidence that actual parking usage at the center was significantly lower than the standard parking ratios found in the Tempe Zoning Ordinance, no specific modifications to the TSSPM were recommended at that time. Since Southern Palms Center was the first retail center of this size to receive a parking-by-demand use permit, it was felt that customization of the model would be premature until sufficient experience with the standard model had been gained. Therefore, the TSSPM was to be used for predicting peak parking demand at this center.

APPLYING THE PARKING MODEL

Although there is clearly more than enough on-site parking to accommodate the parking demand generated by existing tenants, the center has a current vacancy rate of eight percent – and will have a vacancy rate of 19 percent when Heilig-Meyers closes its store. Therefore, the parking analysis must take into account the additional parking demand that would be generated when the center is fully leased (i.e., at 100-percent occupancy).

In this updated parking analysis, it was assumed that the space vacated by Heilig-Meyers (28,000 square feet) – as well as all existing vacancies (20,216 square feet) – would eventually be leased to retailers. This seems the most reasonable assumption at this time, in view of the size and location of these unoccupied suites and current leasing interest.

Exhibit 2 shows the direct application of the TSSPM to this future leasing scenario (based on 100-percent occupancy). The shared parking model predicts a peak demand of 1,034 vehicles, which is expected to occur at approximately 1:00 PM on a Saturday afternoon. The predicted

WEEKDAY

Land Use	Retail		Office		Restaurant		Pool Hall		TOTAL
SF	197,265		14,440		34,051		8,916		254,672
Pkg. Ratio	Varies		1:250 SF		1:75 SF		1:125 SF		N.A.
Code Reqt.	706.0		57.8		454.0		71.3		1,289
Time	% of Peak	Vehicles	% of Peak	Vehicles	% of Peak	Vehicles	% of Peak	Vehicles	Vehicles
7:00 AM	5 %	35.3	25 %	14.4	10 %	45.4	2 %	1.4	97
8:00 AM	20	141.2	80	46.2	20	90.8	2	1.4	280
9:00 AM	30	211.8	100	57.8	25	113.5	20	14.3	397
10:00 AM	40	282.4	100	57.8	30	136.2	25	17.8	494
11:00 AM	50	353.0	100	57.8	75	340.5	35	25.0	776
12:00 PM	75	529.5	80	46.2	85	385.9	40	28.5	990
1:00 PM	85	600.1	75	43.3	75	340.5	45	32.1	1,016
2:00 PM	95	670.7	95	54.9	45	204.3	50	35.7	966
3:00 PM	100	706.0	95	54.9	35	158.9	55	39.2	959
4:00 PM	85	600.1	85	49.1	40	181.6	60	42.8	874
5:00 PM	80	564.8	70	40.4	60	272.4	70	49.9	928
6:00 PM	70	494.2	25	14.4	80	363.2	90	64.2	936
7:00 PM	60	423.6	15	8.7	95	431.3	100	71.3	935
8:00 PM	50	353.0	10	5.8	100	454.0	100	71.3	884
9:00 PM	45	317.7	5	2.9	100	454.0	100	71.3	846
10:00 PM	25	176.5	5	2.9	75	340.5	90	64.2	584
11:00 PM	10	70.6	2	1.2	60	272.4	70	49.9	394
12:00 AM	5	35.3	2	1.2	50	227.0	20	14.3	278
1:00 AM	2	14.1	0	0.0	35	158.9	2	1.4	174
Maximum Demand									1,016

SATURDAY

Land Use	Retail		Office		Restaurant		Pool Hall		TOTAL
SF	197,265		14,440		34,051		8,916		254,672
Pkg. Ratio	Varies		1:250 SF		1:75 SF		1:125 SF		N.A.
Code Reqt.	706.0		57.8		454.0		71.3		1,289
Time	% of Peak	Vehicles	% of Peak	Vehicles	% of Peak	Vehicles	% of Peak	Vehicles	Vehicles
7:00 AM	5 %	35.3	2 %	1.2	10 %	45.4	10 %	7.1	89
8:00 AM	20	141.2	5	2.9	35	158.9	50	35.7	339
9:00 AM	40	282.4	10	5.8	45	204.3	90	64.2	557
10:00 AM	65	458.9	15	8.7	75	340.5	100	71.3	879
11:00 AM	70	494.2	10	5.8	95	431.3	100	71.3	1,003
12:00 PM	60	423.6	10	5.8	100	454.0	95	67.8	951
1:00 PM	75	529.5	15	8.7	95	431.3	90	64.2	1,034
2:00 PM	65	458.9	10	5.8	45	204.3	85	60.6	730
3:00 PM	55	388.3	10	5.8	25	113.5	80	57.1	565
4:00 PM	45	317.7	5	2.9	30	136.2	75	53.5	510
5:00 PM	30	211.8	2	1.2	50	227.0	70	49.9	490
6:00 PM	20	141.2	2	1.2	75	340.5	90	64.2	547
7:00 PM	25	176.5	0	0.0	100	454.0	100	71.3	702
8:00 PM	30	211.8	0	0.0	100	454.0	100	71.3	737
9:00 PM	20	141.2	0	0.0	100	454.0	100	71.3	667
10:00 PM	5	35.3	0	0.0	95	431.3	100	71.3	538
11:00 PM	2	14.1	0	0.0	75	340.5	75	53.5	408
12:00 AM	0	0.0	0	0.0	55	249.7	35	25.0	275
1:00 AM	0	0.0	0	0.0	35	158.9	15	10.7	170
Maximum Demand									1,034

13h ~~13h~~

APPLICATION OF THE PARKING MODEL

HEFFERNAN & ASSOCIATES

Exhibit

2

weekday peak demand – which would also occur at approximately 1:00 PM – is slightly lower (1,016 vehicles).

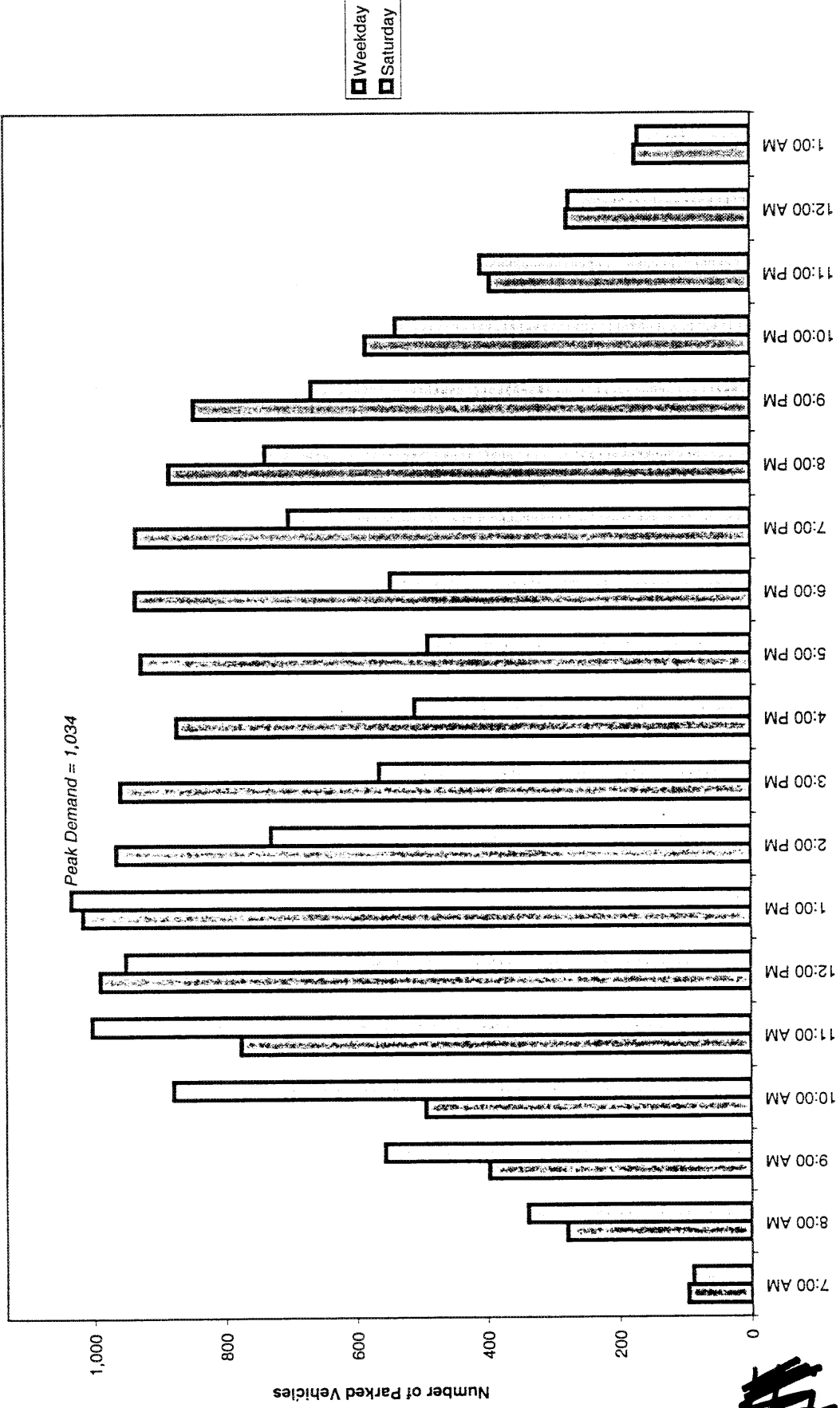
Exhibit 3 shows the relationship between the predicted peak parking demand and the available parking supply. The model predicts that the on-site parking supply (1,132 spaces, after construction of the proposed fuel center) can easily satisfy the expected demand. A nine-percent safety margin (nearly 100 spaces) would still be provided, even during times of peak demand.

SUMMARY OF FINDINGS

In 1992, the owner of Southern Palms Center was granted a special use permit allowing parking-by-demand. The minimum amount of on-site parking required is now determined through use of the Tempe Standard Shared Parking Model rather than a strict application of the standard parking ratios in the Tempe Zoning Ordinance. Use of the model affords the owner greater flexibility in leasing, while still ensuring adequate parking for all tenants. The model is used to test all potential tenants wishing to come into the center. As long as the future peak parking demand predicted by the model is less than the amount of parking provided on the site, the owner can lease the space to that particular tenant.

This report presents an updated application of the TSSPM to reflect current conditions at Southern Palms Center. The results indicate that the loss of 20 existing parking spaces (which would occur if the proposed fueling center is built) will not materially affect future parking conditions on the site. There is more than adequate parking available to support a fully-leased center, provided that the owner continues to use the TSSPM to analyze the expected impact of all prospective tenants.

Spaces Provided = 1,132



PREDICTED PARKING DEMAND

HEFFERNAN & ASSOCIATES

132

3218 A. McClinton
STATE STREET 05
I hereby certify that the other
signatures and their addresses
are correct
City of Toledo
2-14-98 9:47
208

COPIA COUNTY, ARIZONA

LEGAL DESCRIPTION
SHOPPING CENTER[illegible]

PARKING DATA

[illegible]

Note: \$B\$ means from Parcel B.

180017703 BV: Allen Consulting Engineers
406 W. 1st Place
Vancouver, B.C. V6B 1A1


~~Mr. [REDACTED]
[REDACTED] - [REDACTED] Blvd.
[REDACTED], CA 95027~~

CERTIFICATION

This is to certify that the above legal descriptions of the property upon herein was made with my direction during the month of September 1961 and that the information is sufficient to enable the survey to be returned. This is to certify that we have reviewed this plan and hereby approve the development as shown.

1. *Explain the importance of the following factors in the development of a country's economy:*
 a. *Human Resources*
 b. *Capital Resources*
 c. *Technology*
 d. *Government Policy*
 e. *Infrastructure*
 f. *Trade and Investment*
 g. *Education and Health*
 h. *Environmental Sustainability*
 i. *Political Stability*
 j. *Legal System*
 k. *Financial System*
 l. *Transportation and Communication*
 m. *Energy Resources*
 n. *Water Resources*
 o. *Land Resources*
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 q. *Demographics*
 r. *Geography*
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ENGINEERS**

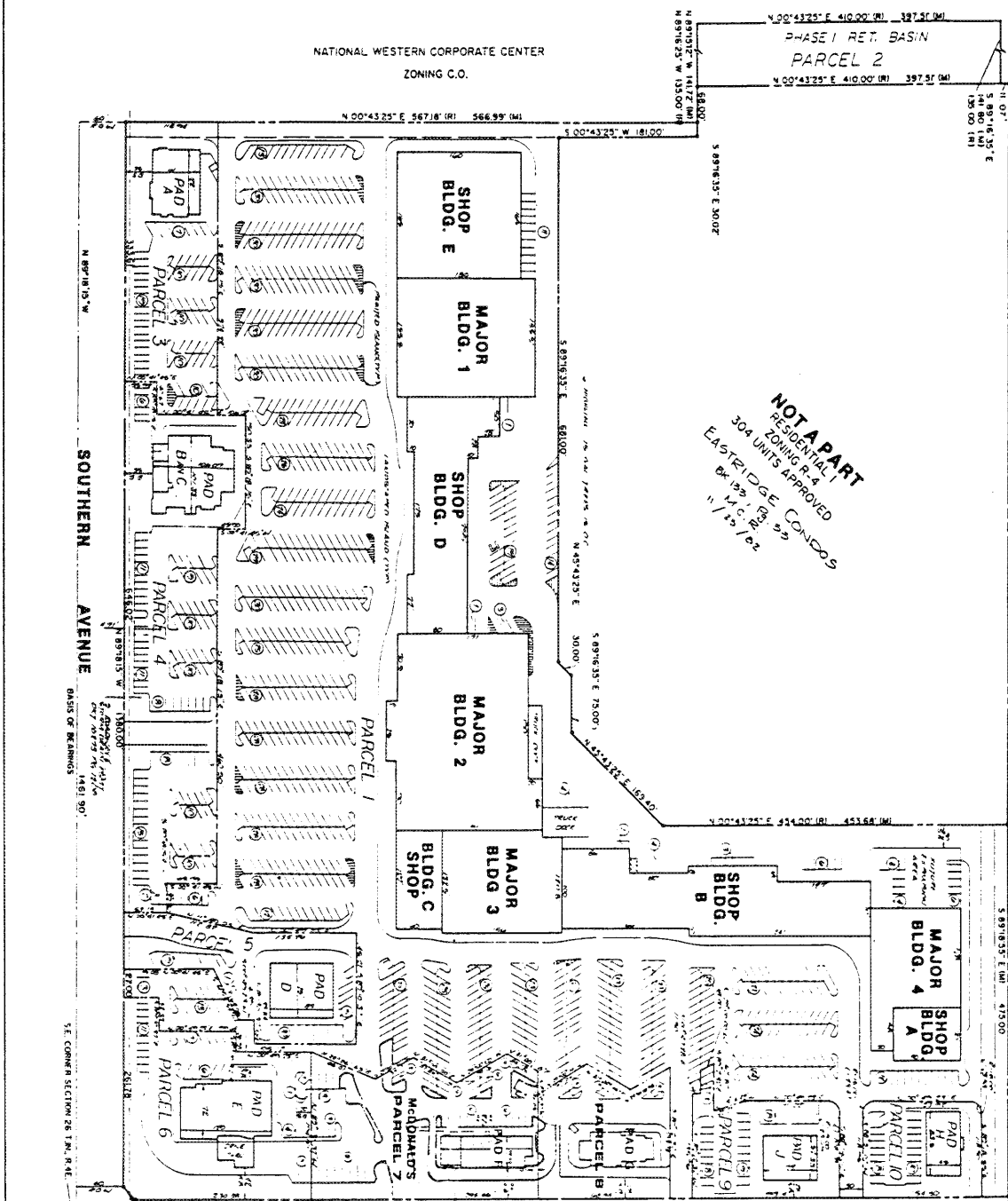
 806 WEST 3RD PLACE
MESA, ARIZONA 80201
PHONE (602) 844-1986

**SOUTHERN PALMS CENTER PHASE I
FOURTH AMENDED GENERAL PLAN
AND FINAL PLAN FOR
PARCELS 7 & 8**

APPROVED FOR THE CITY OF PALM BEACH

APPROVED FOR THE COUNTY OF PALM BEACH

SOUTHERN PALMS CENTER PHASE I



SCALE 1" = 60'

Legal Description
for PAD "P"

McCLINTOCK

NEW INDOOR
PLAYLAND ADDITION



ALLEN CONSULTING
ENGINEERING INC.
SOUTHERN PALMS CENTER PHASE I
FIFTH AMENDED GENERAL PLAN
PARCELS 7 & 8
DRAWN BY: J. L. BROWN
CHECKED BY: J. L. BROWN
DATE: 01/08/03

14a

On a motion by Commissioner Huellmantel, seconded by Commissioner Oteri, the Commission with a vote of 7-0, continued the following item until 01/09/01

PLANNED DEVELOPMENT (0406) Hold a public hearing for **CLUB G** (Rio Salado Courtyard, L.L.C., property owner) for a use permit of a nightclub with live entertainment, DJ and dancing at 1290 North Scottsdale Road. The following approval is requested from the City of Tempe:

#SGF-2000.76 An Amended General and Final Plan of Development for the Mercado del Rio commercial center, consisting of 57,468 s.f building area on 6.19 net acres at 1290 North Scottsdale Road, including the following:

Use Permit:

Allow a 7,900 s.f. restaurant/nightclub with live entertainment (DJ and Dancing) in the PCC-1 Zoning District.

THE PLANNING COMMISSION THEN RETURNED TO THE REGULAR AGENDA.

PLANNED DEVELOPMENT (0406) Hold a public hearing for **FUEL CENTER FOR FOOD 4 LESS** (Center Trust, property owners) for a use permit and three variances to locate a fuel center consisting of 3,404 s.f., on Parcel 4, within Southern Palms Commercial Center (252,505 s.f. total building area for the shopping center on 25.09 net acres) located at 1706 East Southern Avenue. The following approval is requested from the City of Tempe:

#SGF-2000.70 An Amended General Plan of Development and a Final Plan of Development for Parcel 4, Southern Palms Center Phase I, consisting of a 3,404 s.f. canopy area for a fuel center located at 1706 East Southern Avenue, including the following:

Use Permits:

Allow a fuel dispensing facility in the PCC-2 Zoning District.

Variances:

1. Allow a fuel dispensing facility to be located in an area away from an arterial street intersection.
2. Reduce the minimum required rear yard building setback from 40' to 20' (Parcel 4).
3. Waive the six-foot masonry wall and required six-foot landscape buffer along all interior property lines.

Ryan McFadden represented the applicant and gave a brief history of the site. He believes this site is acceptable and will not affect parking at the center. Mr. McFadden was part of a transition team that came into the project late in November and has not had a chance to speak with the neighbors.

Mr. McFadden continued to explain that it would be impossible to place the fuel center on the corner, due to an existing structure. This should, therefore, be considered a hardship.

Commissioner Vaz asked if adding fuel centers to the food store is a pattern at other sites. Brian Fleming stated that they do not have other locations that have fuel centers but are currently requesting this of other cities.

15

The following people spoke on the request:

T. J. Taub – submitted a petition from Park Riviera Townhomes opposing the use due to intense traffic. Ms. Taub is representing herself not the association. Concerned with concentration of traffic directly across from their townhouse entrance.

Joseph Yousem – owner of apartments directly north of the shopping center. Opposes use and feels it detracts from the center. Doesn't want any further underground storage tanks.

Scott Thompson – food and gas uses are not uncommon. Many grocery stores are asking for gas stations.

T. J. Taub – Association hasn't had time to have a meeting and would prefer this case be continued until they have time to meet.

Robert Leone – dangerous along Southern Avenue. Fuel center will increase traffic because it will egress and ingress out of the center's entrance across from the Park Riviera entrance. No one got a notice in the townhouse complex.

Hector Tapia stated that public hearing notices were mailed out to property owners within 300 feet of the site. The area was also posted and advertised in the Tribune.

Mr. McFadden doesn't dispute heavy traffic on Southern Avenue but believes they are capturing customers that have shopped at the center and are exiting the site. Mr. Lake stated that the reason they are adding fuel centers is that a survey of customers showed that a popular additional feature to the grocery store would be a gas station. Mr. Lake stated that his company also owns Rainbow Foods and Century Foods and will be opening fuel centers with their grocery stores.

Hector Tapia reviewed the requirements for a use permit and noted that the use permit is granted to the business owner not the property owner or tenant. The variances are for the use away from the corner and the use permit is a land use issue.

Fred Brittingham gave the history of the pad sites at the center. Public Works does not see this as a huge traffic generator irrespective of turns mention by Ms. Taub.

MOTION: Commissioner Spitler made a motion to deny #SGF-2000.70. Commissioner Collett seconded the motion.

Commissioner Collett doesn't feel gas pumps will generate any more of an impact but does not see it as an appropriate use for the area.

Commissioner Huellmantel will vote for denial. Feels contact with neighborhood was an important step. Doesn't believe this use will exist well with the surrounding features.

Commissioner DiDomenico believes this is an overly dense center, yet far less objectionable site than on the other three corners.

15a

VOTE: Passed 6-1 (Commissioner DiDomenico dissented)

Fred Brittingham stated that the applicant will have 7 calendar days in which to appeal this decision to the City Clerk and file the appropriate fees. Mr. Brittingham encouraged the neighbors to call the Planning office to find out when this request would be scheduled for City Council. It will be re-posted and advertised in the Tribune but it will not be re-mailed to property owners.

PLANNED DEVELOPMENT (0406) Hold a public hearing for **HAYDEN FERRY LAKESIDE** (Hayden Ferry Lakeside, LLC) for a Final PAD for Phase II and III on 3.21 net acres located at 24 East Rio Salado Parkway. The following approval is requested from the City of Tempe:

#SPD- 2000.81 A Final Planned Area Development for Phase II and III consisting of 536,700 s.f. for two office building and 46,300 s.f. retail space, including a parking structure with 2,215 parking spaces (seven levels of parking) on 3.21 net acres, located at 24 East Rio Salado Parkway in the MG Zoning District. This project includes the following:

Variances:

Reduce the minimum bicycle parking required within the Arizona State University commuting area for Phase II and III from 230 spaces to 50 spaces (25 spaces for Phase II and 25 spaces for Phase III).

Grady Gammage represented the request and gave a history of the site. Mr. Gammage noted that the variance has been withdrawn. The demand for office space in Phase I has also generated this request to finalize Phase II and III. Design Review Board approved the project last week. Some of the changes are the refinement on the parking garage, building skins, and landscaping. There have been no changes in square footage or building heights. Mr. Gammage stated that as parking is built out there may be a chance to reduce parking. However, at this time it is the same parking garage size.

The following spoke on the request:

Tom Hornsby – Chairman of Mitchell West Neighborhood Association. Concerned about traffic studies and vehicle impact on downtown and the neighborhood.

Hector Tapia recommended approval of the case.

Mr. Gammage stated that the overall intensity of the project has been fixed since the early 1990's and a full traffic study on site is not before the Commission.

MOTION: Commissioner Huellmantel made a motion to approve #SPD-2000.81 and the conditions as noted in the staff report. It should be noted that the variance was withdrawn by the applicant. Commissioner Vaz seconded the motion.

Commissioner Spitler wished the applicant a lot of luck in getting this project off the ground and noted that the project hasn't changed at all since their last review. Believes the Commission will need to look deeper at keeping parking to a minimum.

Commissioner Huellmantel stated that there will be issues the City will need to address.

156

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From: bmcfadden@att.net [[Save address](#)]

To: mdioguardi@tiffany-bosco.com

Cc: dave_fackler@tempe.gov, neil_giuliano@tempe.gov

Subject: Food 4 Less Fuel Facility

Date: Thu, 18 Jan 2001 05:10:46 +0000

Dear Mr. Dioguardi,

I received a copy of your November 21, 2000 letter to the City of Tempe on behalf of Mr. Joseph Yousem and expressing his opposition to Food 4 Less and their request to gain approval for a Use Permit to construct a self-serve fuel dispensing facility in the parking lot of the Southern Palms Shopping Center at the NWC of Southern Avenue and McClintock Road.

I would very much like to discuss with Mr. Yousem, as well as with you in detail the overall fuel plan by Food 4 Less. I do not recall meeting you at the December 12th Planning Commission meeting. Kindly call me at (480) 283-8963 so that we may further discuss your concerns and allow me to further inform you of the plan.

We are pleased that Commissioners Collett and DiDomenico, as well as Mr. Fred Brittingham with the Public Works Department agreed that traffic along Southern Avenue is bad enough already, and that the proposed fuel center will likely not add to the existing traffic problem along Southern Avenue. Equally, we are pleased that Commissioner DiDomenico agreed that the area is not as saturated with fuel centers as noted by concerned citizens in the area. According to our study of operating fuel centers, along Southern Avenue, from Priest to Price contains only 4 fuel centers compared to Broadway or University where the number of fuel centers is doubled that number. In fact, Southern Avenue contains the fewest fuel centers in the study area (US 60 to University- Priest Drive to Price Road.

16

ccw@il copy

Dear Ms. Hart,

I received a copy of your December 9, 2000 email to the City of Tempe expressing your opposition to Food 4 Less and their request to gain approval for a Use Permit to construct a self-serve fuel dispensing facility in the parking lot of the Southern Palms Shopping Center at the NWC of Southern Avenue and McClintock Road.

I would very much like to discuss with you in detail the overall fuel plan by Food 4 Less. I do not recall meeting you at the December 12th Planning Commission meeting. Kindly call me at (480) 283-8963 so that we may further discuss your concerns and allow me to further inform you of the plan. Kindly forward a copy of this email to Ms. Nowak and Mr. Bridgeman for their review. I was not given these concerned citizens email addresses.

We are pleased that Commissioners Collett and DiDomenico, as well as Mr. Fred Brittingham with the Public Works Department agreed that traffic along Southern Avenue is bad enough already, and that the proposed fuel center will likely not add to the existing traffic problem along Southern Avenue. Equally, we are pleased that Commissioner DiDomenico agreed that the area is not as saturated with fuel centers as noted by concerned citizens in the area. According to our study of operating fuel centers, along Southern Avenue, from Priest to Price contains only 4 fuel centers compared to Broadway or University where the number of fuel centers is doubled that number. In fact, Southern Avenue contains the fewest fuel centers in the study area (US 60 to University--Priest Drive to Price Road.

I invite you to call me as soon as possible at my office (480) 283-8963 or at my home (480) 460-7683. I look forward to hearing from you.

Sincerely,

Brian McFadden
for the Applicant
bmcfadden@att.net

—
Preconstruction Development Services
1034 E. Hiddenvue Dr. Phoenix, AZ 85048
Tel: (480) 283-8963
Fax: (480) 283-8913
bmcfadden@att.net

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16a

COUNCIL COPY

Dear Mr. Gigax

I received a copy of your December 8, 2000 email to the City of Tempe expressing your opposition to Food 4 Less and their request to gain approval for a Use Permit to construct a self-serve fuel dispensing facility in the parking lot of the Southern Palms Shopping Center at the NWC of Southern Avenue and McClintock Road.

I would very much like to discuss with you in detail the overall fuel plan by Food 4 Less. I do not recall meeting you at the December 12th Planning Commission meeting. Kindly call me at (480) 283-8963 so that we may further discuss your concerns and allow me to further inform you of the plan.

We are pleased that Commissioners Collett and DiDomenico, as well as Mr. Fred Brittingham with the Public Works Department agreed that traffic along Southern Avenue is bad enough already, and that the proposed fuel center will likely not add to the existing traffic problem along Southern Avenue. Equally, we are pleased that Commissioner DiDomenico agreed that the area is not as saturated with fuel centers as noted by concerned citizens in the area. According to our study of operating fuel centers, along Southern Avenue, from Priest to Price contains only 4 fuel centers compared to Broadway or University where the number of fuel centers is doubled that number. In fact, Southern Avenue contains the fewest fuel centers in the study area (US 60 to University- Priest Drive to Price Road.

I invite you to call me as soon as possible at my office (480) 283-8963 or at my home (480) 460-7683. I look forward to hearing from you.

Sincerely,

Brian McFadden
for the Applicant
bmcfadden@att.net

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COUNCIL COPY

Dear Mr. Buzzard,

I received a copy of your December 7, 2000 email to the City of Tempe expressing your opposition to Food 4 Less and their request to gain approval for a Use Permit to construct a self-serve fuel dispensing facility in the parking lot of the Southern Palms Shopping Center at the NWC of Southern Avenue and McClintock Road.

I would very much like to discuss with you in detail the overall fuel plan by Food 4 Less. I do not recall meeting you at the December 12th Planning Commission meeting. Kindly call me at (480) 283-8963 so that we may further discuss your concerns and allow me to further inform you of the plan.

We are pleased that Commissioners Collett and DiDomenico, as well as Mr. Fred Brittingham with the Public Works Department agreed that traffic along Southern Avenue is bad enough already, and that the proposed fuel center will likely not add to the existing traffic problem along Southern Avenue. Equally, we are pleased that Commissioner DiDomenico agreed that the area is not as saturated with fuel centers as noted by concerned citizens in the area. According to our study of operating fuel centers, along Southern Avenue, from Priest to Price contains only 4 fuel centers compared to Broadway or University where the number of fuel centers is doubled that number. In fact, Southern Avenue contains the fewest fuel centers in the study area (US 60 to University- Priest Drive to Price Road.

I invite you to call me as soon as possible at my office (480) 283-8963 or at my home (480) 460-7683. I look forward to hearing from you.

Sincerely,

Brian McFadden
for the Applicant
bmfadden@att.net

Preconstruction Development Services
1034 E. Hiddenvue Dr. Phoenix, AZ 85048
Tel: (480) 283-8963
Fax: (480) 283-8913
bmfadden@att.net

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16c

TENANT LIST

YES! As a valued Food 4 Less shopper, I would support the convenience and quality of a self-serve fuel dispensing facility to be located in the vacant parking lot area along Southern Avenue in front of the Food 4 Less market.

JAN 20, 2001 SAT
JAN 24, 2001 WED

Printed Name	Signature	TENANT Address 1253 West Southern Ave., Tempe	Phone No. (Optional) 480 551 1212	May we call you? Yes	Do you live within 1 mile? Yes
10:00 Kimberly SARKANY		COOMERS CRAFTS	480-730-5012		
1 Ron JAMES		WOODCRAFT	(602) 504 0680		10-5 W-TH
2 Frank Realmondo		BACK EAST BAGELS	480-491-4222		Fantastic
3 Janine Summers		Q to Q Hair Designs	480 345 2992		
4		QUEST			
5 Linda Fischer		MAIL PLUS	(480) 897-1875		
6 PHYLLIS KERN HOWE		MERLE NORMAN	(480) 831-6655		Henderson
7		STATE FARM			
8 David Troness		WOODCRAFT	480-897-9663		
9 Ron Johns		West Marine	480-897-6300		
10 Denise Kimbrell		EXEC STAY	480-777-5005		
11 GAYLEN FISCHER		MAIL PLUS	480-891-1015		
12 Ella Fredenicks		HALLMARK	480 897 1800		
13 Sherry		SALLY BEAUTY SALON	480 345-2231		
14 Shawn Nickell		GNC	480-839-2383		
15		PROVEST			
16 Elizabeth Gername		STATE FARM	480-838-4444		
17					
18 MET WITH TIM TRACY		OUTBACK	SEE BIZ CARD		
19 MET WITH LAURA HILL		JOE'S CRAB	SEE BIZ CARD		

YES! As a valued Food 4 Less shopper, I would support the convenience and quality of a self-serve fuel dispensing facility to be located in the vacant parking lot area along Southern Avenue in front of the Food 4 Less market.

Printed Name	Signature	Address	Phone No. (Optional)	May we call you?	Do you live within 1 mile?
Valued Shopper	Valued Shopper	1253 West Southern Ave., Tempe	480 551 1212	Yes	Yes
Jennifer Young	Jennifer Young	60337 Nuntmpt 85410		Yes	No
Dry & family	Dry & family	401 W. Grand St. Chandler 85226		No	No
Robert Miller	Robert Miller	5084 E Alameda Tempe		Yes	Yes
Toni Montano	Toni Montano	Barre Lakeside		Yes	Yes
3090 Leona	3090 Leona	2751 1st St. 1M 85281		Yes	No
Rafael Fuentetaja	Rafael Fuentetaja	323 E Dumbak #32 Tempe		No	Yes
GRACIELYN TANUITO	GRACIELYN TANUITO	1515 S. Extension Rd #3135 Mesa		No	No
Schwitters Dale	Schwitters Dale	5207 S. MESA DR TEMPE AZ 85283		Yes	Yes
Laurie Perez	Laurie Perez	2111 E. University Ave 85281		Yes	No
Van Tabor	Van Tabor	4024 S. Alameda Dr. Tempe 85283		Yes	Yes
Sandra Espinoza	Sandra Espinoza	1855 E. Ray Carlos #7102	42083	Yes	Yes
Emilia N. Bennett	Emilia N. Bennett	3501 S. M. Chabock Dr.		Yes	Yes
DENISE KINNARD	DENISE KINNARD	3320 S. Hardy Tempe	980-225-3094	Yes	Yes
Lisa Marshall	Lisa Marshall	1078 W. Billie Park	602-380-6014	Yes	Yes
Elizabeth Robbins	Elizabeth Robbins	1229 W. Southern Apt B Tempe	480-968-1373	Yes	Yes
So Sedie	So Sedie	4024 S. Alameda Dr. Tempe 85283		No	Yes
Marganne Tovar	Marganne Tovar	4515 S. Poplar Tempe	85282	Yes	Yes
Michael Zietel	Michael Zietel	3929 S. Juniper St. Tempe	85282	Yes	Yes
Bianca Zietel	Bianca Zietel	3929 S. Juniper St. Tempe	85282	Yes	No!
Dante Zietel	Dante Zietel	3929 S. Juniper St. Tempe	85282	Yes	Yes!

YES! As a valued Food 4 Less shopper, I would support the convenience and quality of a self-serve fuel dispensing facility to be located in the vacant parking lot area along Southern Avenue in front of the Food 4 Less market.

Sample	Printed Name	Signature	Address	Phone No. (Optional)	May we call you?	Do you live within 1 mile?
	Valued Shopper	Valued Shopper	1253 West Southern Ave., Tempe	480 551 1212	Yes	Yes
1	Ysabeldo Mary Suarez	[Signature]	203A E Broadway			NO
2	Ysabeldo Mary Suarez	[Signature]	3055 S Dorsey Ln	480 642-2203	YES	YES
3	Charles Brooks	[Signature]	201 W Hermosa Dr E-104	480-557-0109	YES	YES
4	Cheryl Summers	[Signature]	3255 S Dorsey Ln	480-642-2254	YES	YES
5	Lois Gray	[Signature]	2629 S Elm St	480-731-9052		Yes
6	Maxine Vazquez	[Signature]	2094 E McDowell Pl	317-1384	YES	YES
7	Frank Davis	[Signature]	7101 N 11th	897-7915	Yes	Yes
8	Gene Timar	[Signature]	4515 S Poplar	480-839-7713	YES	YES
9	Ysabeldo Mary Suarez	[Signature]	3501 S McDowell Pl	480-790-0930	YES	YES
10	Yolanda Tubran	[Signature]	1647 E D Rio Dr Tempe	85282	Yes	Yes
11	Rose Garcia	[Signature]	955 E Southern Rd Tempe	AZ 85282	NO	YES
12	Gabriela Garcia	[Signature]	910 E Lemon Tempe	AZ 85281	NO	YES
13	Maria S. Garcia	[Signature]	1001 S. Sycamore Rd	85282	NO	Yes
14	Melanie Z. Garcia	[Signature]	1343 W Emerald Ave	85282	NO	Yes
15	Jeff Meher	[Signature]	3354 S Oak Tempe	85282		Yes
16	Marvin McArthur	[Signature]	1101 S. Sycamore Rd	AZ 85202		Yes
17	C McAuliffe	[Signature]	5350 S Hardy Dr	Tempe AZ 85283	NO	NO
18	Jose Garcia	[Signature]	2833 W 30th Pl	PHX AZ 85008		YES
19	Charlene Harris	[Signature]	6605 Country Club	Tempe, AZ 85283		YES
20	[Signature]	[Signature]	[Signature]	[Signature]		YES

831-703
Yes

YES! As a valued Food 4 Less shopper, I would support the convenience and quality of a self-serve fuel dispensing facility to be located in the vacant parking lot area along Southern Avenue in front of the Food 4 Less market.

Printed Name	Signature	Address	Phone No. (Optional)	May we call you?	Do you live within 1 mile?
Valued Shopper	Valued Shopper	1253 West Southern Ave., Tempe	480 551 1212	Yes	Yes
1. Diana Hernandez	[Signature]	1253 West Southern Ave., Tempe	480 551 1212	Yes	Yes
2. Sergio Trejo	[Signature]	1253 West Southern Ave., Tempe	480 551 1212	Yes	Yes
3. Charles Reed	[Signature]	4505 S. 4th Ave., Tempe, AZ 85282	480 551 1212	Yes	Yes
4. Maria Reed	[Signature]	4505 S. 4th Ave., Tempe, AZ 85282	480 551 1212	Yes	Yes
5. M. Dorset	[Signature]	1033 E. Greenway	480 551 1212	Yes	Yes
6. Rocio Lamm	[Signature]	3745 S. Siesta Ln., Tempe	480 551 1212	Yes	Yes
7. Sergio Trevino	[Signature]	1611 E. Greenway Dr., Tempe	480 551 1212	Yes	Yes
8. Arnold Starnes	[Signature]	1646 E. Alameda Dr., Tempe	480 551 1212	Yes	Yes
9. Brandon Joseph	[Signature]	1646 E. Alameda Dr., Tempe	480 551 1212	Yes	Yes
10. Robert	[Signature]	1646 E. Alameda Dr., Tempe	480 551 1212	Yes	Yes
11. Melinda	[Signature]	537 E. Millard Ave., Tempe	480 551 1212	Yes	Yes
12. Patricia	[Signature]	900 S. Calle Antea, Guadalupe	480 551 1212	Yes	Yes
13. Wagner	[Signature]	342 S. Spruce	480 551 1212	Yes	Yes
14. Jose Maria	[Signature]	1865 E. Broadway #140	480 551 1212	Yes	Yes
15. Jacqueline	[Signature]	1865 E. Broadway #140	480 551 1212	Yes	Yes
16. Owen	[Signature]	1865 E. Broadway #140	480 551 1212	Yes	Yes
17. James Lopez	[Signature]	1100 W. LA SOLA DR., TEMPE	480 551 1212	Yes	Yes
18. Don Kirkman	[Signature]	5523 S. Campbell Rd., Tempe	480 551 1212	Yes	Yes
19. [Name]	[Signature]	5523 S. Campbell Rd., Tempe	480 551 1212	Yes	Yes
20. [Name]	[Signature]	5523 S. Campbell Rd., Tempe	480 551 1212	Yes	Yes

YES! As a valued Food 4 Less shopper, I would support the convenience and quality of a self-serve fuel dispensing facility to be located in the vacant parking lot area along Southern Avenue in front of the Food 4 Less market.

Sample	Printed Name	Signature	Address	Phone No. (Optional)	May we call you?	Do you live within 1 mile?
	Valued Shopper	Valued Shopper	1253 West Southern Ave., Tempe	480 551 1212	Yes	Yes
1	JOSE R. TIZOL	[Signature]	2030 E. Broadway #1055	480 551 1212	YES	NO
2	VEN BATHUR	[Signature]	37305, 82 MILL AVE, #1 C-106		YES	NO
3	MARK S. BARNETT	[Signature]	1718 S. Jentilly Lane #222 Tempe	480 85281		NO
4	Cheryl Thole	[Signature]	241 E. Summer			NO
5	Tanya King	[Signature]		480-831-1063	YES	NO
6	ARTURO FLORES	[Signature]				
7	MAX TAVISORA	[Signature]	5038 SHADY DR #205 TEMPE, AZ	85212	yes	480-777-0307
8	Mark Powell	[Signature]	3216 S. Kachina Dr	Tempe AZ	85281	YES
9	Alex Marcelino	[Signature]	1347 E. Encanto	18359 Mesa		YES
10	Eleonora Smith	[Signature]	3802 E. PROGRESS RD PHOENIX AZ	602 426 0124	YES	NO
11	Del Adams	[Signature]	1610 E. Coronado Dr. Tempe	85282	480-7759799	yes
12	Brittany Baker	[Signature]	1021 E. ...		(17)	yes
13	Cheryl Thole	[Signature]	9201 S. McDowell Rd Tempe	85283	480-966-2088	yes
14	ADAM MORAN	[Signature]	2015 E. BROADWAY	20112 TEMPE	480-3179287	yes
15	Beth Karmy	[Signature]	5813 E. San Diego	Guadalupe	yes	yes 480-491-4960
16	Yvette Delune	[Signature]	45 N. Phyllis #101			NO
17	James Delune	[Signature]	6001 W. 8th Street	223 Mesa	yes	AZ NO
18	[Signature]	[Signature]	451 W. 5th St			
19	John Carrales	[Signature]	2070 E. Balboa Tempe	85282	480-345-0909	YES
20	Brian P. Amico	[Signature]	1522 E. Southern Ave	1066 Tempe, AZ	85282	480-491-6255

YES! As a valued Food 4 Less shopper, I would support the convenience and quality of a self-serve fuel dispensing facility to be located in the vacant parking lot area along Southern Avenue in front of the Food 4 Less market.

Printed Name	Signature	Address	Phone No. (Optional)	May we call you?	Do you live within 1 mile?
Valued Shopper	Valued Shopper	1253 West Southern Ave., Tempe	480 551 1212	Yes	Yes
1					
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Sample

YES! As a valued Food 4 Less shopper, I would support the convenience and quality of a self-serve fuel dispensing facility to be located in the vacant parking lot area along Southern Avenue in front of the Food 4 Less market.

Printed Name Valued Shopper	Signature Valued Shopper	Address 1253 West Southern Ave., Tempe	Phone No. (Optional) 480 551 1212	May we call you? Yes	Do you live within 1 mile? Yes
R. Wise	[Signature]	2012 E Lemon Tempe	---	NO	NO
M. Nwan	[Signature]	915 S. Cactus Dr Tempe	---	NO	NO
J. Lisan	[Signature]	1515 S. Catalina Apt. #3049	---	yes	no
Bill Weeks	[Signature]	30 W. Center Dr.	725-8555	yes	yes
Michael Hubler	[Signature]	1125 S. Catalina Dr. Tempe	310-1029	yes	yes
Jonathan Miller	[Signature]	1838 E. Camelback Dr. Tempe	35250	---	---
Mike Carmon	[Signature]	4034 E. Baseline Rd.	---	---	---
Hank Phipps	[Signature]	5506 E. Encinas St	Tempe	yes	yes
Lila Jones	[Signature]	---	---	no	2 miles
MacPinnace	[Signature]	Tempe, AZ	---	---	---
TRINITY	[Signature]	---	---	---	---
Feta F. Huber	[Signature]	1808 E. Randall Dr. Tempe	731-5959	NO	NO
Sarah M Huber	[Signature]	1808 E. Randall Dr. Tempe	731-5959	NO	NO
Terrie Cates	[Signature]	5637 S. Dobson Ct #D Tempe	---	---	yes
David Cates	[Signature]	903 N. W. W. Tempe	---	no	yes
Michele Anderson	[Signature]	1911 E. Fairmont	Tempe 345-0688	yes	yes
Adrian Ponie	[Signature]	4605 S. Riet #215	480 345568	---	---
Colleen M. Mendoza	[Signature]	2636 E. Randall Dr	480-960-1520	NO	NO
MARY HOPKINS	[Signature]	---	---	NO	NO
DAVID HUBLER	[Signature]	7248 S. V. R. E. P. D. 6029581423	7248 S. V. R. E. P. D. 6029581423	yes	yes

YES! As a valued Food 4 Less shopper, I would support the convenience and quality of a self-serve fuel dispensing facility to be located in the vacant parking lot area along Southern Avenue in front of the Food 4 Less market.

Printed Name	Signature	Address (OPTIONAL)	Phone No. (Optional)	May we call you?	Do you live within 1 mile?
Valued Shopper	Valued Shopper	1253 West Southern Ave., Tempe	480 551 1212	Yes	Yes
RICHARD BARETT	[Signature]	2251N EMERALD RD #276 Mesa, AZ	480-607-5759	yes	No
Edna Saldaña	[Signature]	100634 0110 Ave WPSA, AZ	480-354-3274	yes	NO
Patrick White	[Signature]			yes	No
LUIS MENDOZA	[Signature]	1031 S STEWART MILLER	480-833-7479	yes	NO
MARIE FISCHER	[Signature]	1031 S STEWART		yes	yes
LEANN ALVAREZ	[Signature]	1727 W. EMELITA RD	480-833 3145	yes	NO
Carina Toranzo	[Signature]	1016 E 12th	960-4657-1665	yes	NO
Carlos GARCIA	[Signature]		602 5095891	yes	yes
LUCILLE BELL	[Signature]	1455 S SULLY RD Ave #48	480-491-9210	yes	yes
LEANN BARRON	[Signature]	2048 S. RAINY DR.		yes	yes
CRISTINA GARCIA	[Signature]		480-777-7336	NO	yes
JOAN BARRON	[Signature]	1220 N. SULLY RD	480-7685381		yes
LAURA ESTRELLA	[Signature]	2401 W. SULLY RD #42	temp 4785282		yes
JOAN BARRON	[Signature]				yes
BARRY JONES	[Signature]				yes
WILLY WARD	[Signature]	1620 E. ALPINE BLVD			yes
ERNEST FLORES	[Signature]				yes
YOLANDA LINDA	[Signature]	3009 W. SULLY RD #432	Temp 4785282		yes
JOAN BARRON	[Signature]				yes
ALVIN	[Signature]	3311 N. GIL DOWNS		NO	yes

YES! As a valued Food 4 Less shopper, I would support the convenience and quality of a self-serve fuel dispensing facility to be located in the vacant parking lot area along Southern Avenue in front of the Food 4 Less market.

Sample	Printed Name	Signature	Address (OPTIONAL)	Phone No. (Optional)	May we call you?	Do you live within 1 mile?
1	Christine Nunes	[Signature]	2007 S McClintock St			Yes
2	Cassandra Woods	[Signature]	5535 E Palmdale			No
3	Karen Johnson	[Signature]	1006 Wenden Rd Tempe			No
4	Elizabeth Almont	[Signature]				Yes
5	Verly V. Lopez	[Signature]	Tempe			No
6	April R Pennington	[Signature]	438-9319 Ave			No
7	ED & JANE RAME	[Signature]	Tempe			Yes
8	John & Barbara	[Signature]	1336 E Broadway Tempe	(480) 966-1490		No
9	Carol Rinkins	[Signature]				Yes
10	Megan Tauson	[Signature]	1750 S Maricopa Dr	(480) 966-7781		No
11	Pat Kopp	[Signature]	450-966-7766			Yes
12	David Stone	[Signature]	4514 PINE PHZ	(480) 431-6864		No
13	David Stone	[Signature]	1850 E Pebble Beach Dr Tempe	480-730-0671		Yes
14	Carol Rinkins	[Signature]	1305, Pina #48	(480) 610-8197		No
15	Ray Santa Cruz	[Signature]	(480) 491-8733			Yes
16	Stephany Korpel	[Signature]	1520 E Luvra Dr Tempe	(480) 491-8733		Yes
17	CAROL RINKINS	[Signature]				No
18	GENIE YASAK	[Signature]	2110 S Comada Dr Tempe, AZ			No
19	Kevin, & Susan	[Signature]	1005 E Apache			No
20			#162			

YES! As a valued Food 4 Less shopper, I would support the convenience and quality of a self-serve fuel dispensing facility to be located in the vacant parking lot area along Southern Avenue in front of the Food 4 Less market.

Printed Name	Signature	Address (OPTIONAL)	Phone No. (Optional)	May we call you?	Do you live within 1 mile?
Valued Shopper	Valued Shopper	1253 West Southern Ave., Tempe	480 551 1212	Yes	Yes
1 <u>BENJAMIN BAKER</u>	<u>[Signature]</u>				<input checked="" type="checkbox"/>
2 <u>TERRY POTERET</u>	<u>[Signature]</u>				<input checked="" type="checkbox"/>
3 <u>ELISA O. MOSS</u>	<u>[Signature]</u>				<input checked="" type="checkbox"/>
4 <u>JERRY INMAN</u>	<u>[Signature]</u>				<input checked="" type="checkbox"/>
5 <u>HIMMY BROOKS</u>	<u>[Signature]</u>				<input checked="" type="checkbox"/>
6 <u>KATHLENE LOUIE</u>	<u>[Signature]</u>				<input checked="" type="checkbox"/>
7 <u>BOB SIMMONS</u>	<u>[Signature]</u>				<input checked="" type="checkbox"/>
8 <u>JOHN MONCURE</u>	<u>[Signature]</u>				<input checked="" type="checkbox"/>
9 <u>AMANDA CEDENO</u>	<u>[Signature]</u>				<input checked="" type="checkbox"/>
10 <u>DEBRA PATTERSON</u>	<u>[Signature]</u>	1816 E. Palmcroft St. Tempe		No	Yes
11 <u>LEONORA PARRIS</u>	<u>[Signature]</u>	8524 E. Roosevelt St. Scottsdale		Yes	No 480-421-0242
12 <u>JESSIE PARRIS</u>	<u>[Signature]</u>	6022 S. Rural Rd. Tempe		No	Yes
13 <u>CARLA REED</u>	<u>[Signature]</u>	12111 DEL RIO		No	Yes
14 <u>BOB MEYER</u>	<u>[Signature]</u>	Mesa, AZ 85202		No	No
15 <u>CHRISTINA GRIFFITH</u>	<u>[Signature]</u>				
16 <u>KAREN BLAKE KENNEDY</u>	<u>[Signature]</u>		480-968-3614		No
17 <u>ASOZAR VIVRE</u>	<u>[Signature]</u>	7501 S. MILL AV #139			
18 <u>VIVRE TAYLOR</u>	<u>[Signature]</u>	Tempe			No
19 <u>HAROLD RILEY</u>	<u>[Signature]</u>				Yes
20 <u>LAURA DELL</u>	<u>[Signature]</u>	1005 S. Vella Cir. #116, Tempe	85281		No

YES! As a valued Food 4 Less shopper, I would support the convenience and quality of a self-serve fuel dispensing facility to be located in the vacant parking lot area along Southern Avenue in front of the Food 4 Less market.

Sample	Printed Name Valued Shopper	Signature Valued Shopper	Address 1253 West Southern Ave., Tempe	Phone No. (Optional) 480 551 1212	May we call you? Yes	Do you live within 1 mile? Yes
1	Jen Anderson	[Signature]			Yes	Yes
2	Ronald P. H.	[Signature]				Yes
3	Nicole Drake	[Signature]				Yes
4	JASON WILSON	[Signature]	1003 E. CAMELBACK		yes	yes
5	Donella Pahnke	[Signature]				No
6	Drew Gray	[Signature]	150 S. Roosevelt #3144			NO
7	CHARLES STAEHEL	[Signature]	410 E. FREMONT DR			No
8	John Garcia	[Signature]	1521 E. 12th RD			YES
9	Michael W. Papp	[Signature]	313 S. Westfall Ave Tempe			NO
10	LORENE CARTER	[Signature]	1805 E. Broadway Tempe		yes	yes
11	Christina	[Signature]	818 W. CULVERDA		NO	YES
12	Maria E. Bruce	[Signature]	7423 S. KENNEDY AVE Tempe AZ 85284		Yes	NO
13	[Signature]	[Signature]	131 E. 1st Ave Tempe		N	No
14	[Signature]	[Signature]	1700 E. Camelback Dr.		N	Yes
15	[Signature]	[Signature]	1000 W. 1st Ave Tempe		N	YES
16	Loren Artz	[Signature]	1031 S. Stewart #1107		N	YES
17	Tom Jones	[Signature]	1204 E. DOWNEY DR		N	Yes
18	[Signature]	[Signature]	1204 E. DOWNEY DR		N	Yes
19	[Signature]	[Signature]	1115 S. CAMELBACK		N	N
20	Jim P. [Signature]	[Signature]	1178 E. 1st Ave Tempe		N	N

YES! As a valued Food 4 Less shopper, I would support the convenience and quality of a self-serve fuel dispensing facility to be located in the vacant parking lot area along Southern Avenue in front of the Food 4 Less market.

Printed Name Valued Shopper	Signature Valued Shopper	Address 1253 West Southern Ave., Tempe	Phone No. (Optional) 480 551 1212	May we call you? Yes	Do you live within 1 mile? Yes
1 E. Downs	E. Downs	2166 E. Aspen	480 841 1854	Yes	Yes
2 J. Baiton	J. Baiton	1731 W. Tropic Way	Tempe	NO	NO
3 E. Baiton	E. Baiton	12492 Sabine Ave	Tempe	95281	Yes
4 Norma E. Baiton	Norma E. Baiton	2060 E. McDowell	Tempe	85281	Yes
5 Barbara Valerian	Barbara Valerian	2060 E. McDowell	Tempe	85281	Yes
6 Marion Butler	Marion Butler	1035 W. 1st	Tempe	85281	Yes
7 L. V. Baiton	L. V. Baiton	2060 E. McDowell	Tempe	85281	Yes
8 L. V. Baiton	L. V. Baiton	2060 E. McDowell	Tempe	85281	Yes
9 E. Baiton	E. Baiton	2530 E. McDowell	Tempe	480 767 2152	Yes
10 E. Baiton	E. Baiton	12492 Sabine Ave	Tempe	480 767 2152	Yes
11 Sheila Gault	Sheila Gault	4514 S. McDowell	Tempe	480 831 9322	Yes
12 James Gault	James Gault	7514 S. Elm St.	Tempe	480 831 9322	Yes
13					
14 Mary S. Mañon	Mary S. Mañon	1328 E. McDowell	Tempe	480 831 9322	Yes
15 L. V. Baiton	L. V. Baiton	2060 E. McDowell	Tempe	480 831 9322	Yes
16 Michelle Rohrbaugh	Michelle Rohrbaugh	1571 E. Kirkland	Tempe	480 831 9322	Yes
17 Michael Rohrbaugh	Michael Rohrbaugh	1571 E. Kirkland	Tempe	480 831 9322	Yes
18 Robert Rohrbaugh	Robert Rohrbaugh	1571 E. Kirkland	Tempe	480 831 9322	Yes
19 Robert Rohrbaugh	Robert Rohrbaugh	1571 E. Kirkland	Tempe	480 831 9322	Yes
20 Joe Rohrbaugh	Joe Rohrbaugh	1571 E. Kirkland	Tempe	480 831 9322	Yes

YES! As a valued Food 4 Less shopper, I would support the convenience and quality of a self-serve fuel dispensing facility to be located in the vacant parking lot area along Southern Avenue in front of the Food 4 Less market.

Printed Name	Signature	Address	Phone No. (Optional)	May we call you?	Do you live within 1 mile?
Valued Shopper	Valued Shopper	1253 West Southern Ave., Tempe	480 555 1212	Yes	Yes
1 Tracy Anderson	[Signature]	1914 E. Lincoln St. Tempe	480 752 1819	yes	yes
2 ASON GONZALEZ	[Signature]	2102 S Dorsey			yes
3 ANDRÉS CARLOS GARCIA	[Signature]	2224 CLEVELAND ST. 85017	967-1078	yes	YES
4 MARK HATMIS	[Signature]	3636 S. COCONUT ST. COCONUT CLUB WAY			NO
5 KATHY ECHERUWA	[Signature]	2535 S. MCCLELLAN BLVD		yes	yes
6 MIKE DORFINGER	[Signature]	1149 E LA BELLA		yes	yes
7 JIM	[Signature]				yes
8 JAMES HIKKIS	[Signature]	2237 E. PUEBLO BLVD		No	No
9 LYNDSY REYES	[Signature]	2222 E. SOUTHERN BLVD	480-491-5750	yes	yes
10 JACQUELINE CORINO	[Signature]	1515 S. EXTENSION RD		yes	NO
11 JUAN CARLOS	[Signature]	2225 E. LAMAR BLVD	852 857 8657	yes	NO
12 JUAN GONZALEZ	[Signature]	8747 E. QUINCY LANE		SCOTT	NO
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YES! As a valued Food 4 Less shopper, I would support the convenience and quality of a self-serve fuel dispensing facility to be located in the vacant parking lot area along Southern Avenue in front of the Food 4 Less market.

Sample	Printed Name Valued Shopper	Signature Valued Shopper	Address 1253 West Southern Ave., Tempe	Phone No. (Optional) 480 551-1212	May we call you? Yes	Do you live within 1 mile? Yes
1	Steven	[Signature]	4000 W Baseline	838-0386	yes	yes
2	James	[Signature]	41305 Mall Ave Apt. W161	480 517 4078	Yes	Yes
3	Victoria	[Signature]	41120 S. Mill Ave Apt 1415A	731 3953	yes	yes
4	Lois	[Signature]	701 S. Dobson	833-5624	yes	NO
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OTHER

one no problem w/ fuel center
but will continue to pay for regis.

|||| |||| |||| |||

Agree but will not sign
Don't sign surveys

|||| |||| |||| |

Not a good idea !!!

Don't know !!

220
13

233

233

127

1 mi within 1 mile of market

DATE: January 25, 2001

TO: City of Tempe – Mayor and Council

FROM: Debra Margraf
1537 E. Bishop Drive
Tempe, AZ 85282
480-858-0300
480-491-1301 - work

RE: Gasoline Facility – Food 4 Less
McClintock/Southern

I am writing this to oppose the proposed gasoline facility at the Food 4 Less at McClintock/Southern. From the information I have received, I do not know if this facility is manned or unmanned. I have only been told that the proposed site has a kiosk.

My main concern is that the facility will be unmanned. The reason I believe this to be the case is most of the facilities at grocery stores and discount stores are unmanned. This is their way of providing gasoline at a lower price, because they have a lower overhead.

Granted, unmanned facilities must meet the Uniform Fire Code to be able to operate. Under the Uniform Fire Code a facility must have a phone, emergency shut off switch and equipment that will shut off. But, we are relying on the general public and equipment not to fail in the event of an accident. Believe it or not, but people do drive off with the nozzle still attached to the car. This normally happens when the customer is distracted. If a customer drives off with the nozzle still in the car, we are relying on the equipment, the break away, to prevent a major spill. I can give you a specific case where a break away did not work and the customer set himself on fire. You may remember this, because it happened at the Texaco at McClintock/Guadalupe. I have been told if it were not for the clerk on duty the damage would have been more extensive.

I am a believer in this day of lawsuit happiness, if a customer sets himself on fire at the unmanned facility in Tempe, the City of Tempe will be named in the lawsuit and held liable. As the elected officials of the City of Tempe, when you approve building in our City you must also look out for the safety of the citizens.

I would like to list some other issues that I believe the City Council needs to fully address before an unmanned facility is allowed in our fine City.

1. I believe the unmanned gasoline facility is an unsafe business practice. The appropriate safety standards needed when pumping gasoline, a highly flammable and toxic liquid, will be unenforceable.
2. If an accident/hazard does occur
Who will call for help?
Who cleans up the hazard and how long does it stay on the ground before clean up occurs?
Who will call the fire department?
3. What happens if someone drives into the dispenser? I know of someone who had a customer drive off with the nozzle and dispenser attached to the car, causing a 700-gallon leak.
4. What is going to be done about contamination? Gasoline is considered a hazardous substance, the citizens of the State of Arizona pay millions of dollars every year to clean up petroleum contamination.
5. What happens when a customer spills gasoline?
6. What happens when the hose breaks during the day?
7. What about the potential air quality problems that can occur if spills are not cleaned up immediately?
8. What about crime?
9. What about those individuals who smoke while pumping gasoline, or the individual who uses a lighter to hold open the latch?
10. What if someone falls?

11. What about the potential hazards that could be created with the shopping carts from Food 4 Less?
12. Who will help the handicapped or senior citizens?

I read a statement in the paper concerning traffic. The petitioner stated there would be less traffic with a gasoline facility than a restaurant or brake repair shop. I would have to disagree. If a gasoline station is expecting to pump 200,000 gallons of gasoline per month, they need to pump 6666 gallons per day. This equals between 444 to 500 cars per day. This would be far more cars than a repair shop would see in one day.

Also, I believe the City Council should look at the potential tax revenue to the City. At most facilities of this type, there are no additional products sold other than the gasoline. Therefore, no new tax revenue to the City of Tempe with this facility. For your information, all gasoline taxes collected in the State of Arizona go to the Highway Users Revenue Fund (HURF). The state collects the taxes, then uses a formula to distribute the monies to the state, counties and cities. The City of Tempe does not receive tax revenue on every gallon of gasoline that is sold in Tempe.

Further, as a citizen of Tempe I am concerned about the future use of the property. From my experience most facilities of this type do not stay in business for a long period of time. Many citizens like to know there is someone around in case of an emergency. If the facility should close, we now have a canopy and storage tanks sitting in the middle of a parking lot.

Thank you for your time and consideration in the matter. I truly hope that you vote to oppose this permit, as was the suggestion of the Planning and Zoning Commission. If you have any questions, please do not hesitate to give me a call at my work or home.

18a